

REGULAR MEETING of the Burrillville Town Council held Wednesday, January 28, 2009 at 7:05 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 Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville

MEMBERS ABSENT: None

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

2. VOTED to accept the minutes of the regular meeting held January 14, 2009, the workshops held January 7, 2009 and January 14, 2009, and the public hearing which commenced on January 13, 2009; and dispense with the reading of said minutes.

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

3. Public Comment:

Susan Kent of Benedict Road addressed the Town Council regarding the proposed Special Flood Hazard Areas and Flood Fringe Lands ordinance. Ms. Kent noted that the language of the ordinance appeared to mirror language developed by the International Code Conference. There was discussion of the proposed ordinance being required by the federal government, which controls the flood insurance program.

Jeff Presbrey distributed comments relative to the proposal to cap the Whipple Avenue landfill. A copy of Mr. Presbrey's comments are on file with the record of the meeting. The matter was taken up under item #09-018 on the regular agenda.

4. General Good and Welfare of the Town of Burrillville

Councilor Margaret L. Dudley announced the Friends of the Library Annual Dinner/Auction scheduled for March 14, 2009.

Councilor Margaret L. Dudley congratulated Cheri R. Hall, Director of Parks and Recreation on receipt of a scholarship from The Trust to attend a National Legislative Forum on Parks and Recreation.

Councilor Margaret L. Dudley commended the Department of Public Works on a job well done in clearing roads during inclement weather on January 28, 2009.

Council President Nancy F. Binns congratulated Michael C. Wood, Town Manager, on his reappointment to Rhode Island State Planning Council's Transportation Advisory Committee.

5. Petitions: None

6. Special Business:

09-017 VOTED to grant the renewal of Rubbish License to Waste Haulers, LLC, 1 Starline Way, Cranston, RI 02921, in accordance with and subject to the provisions of Chapter 8, Article 5 of the Ordinances of the Town of Burrillville entitled Transporting Garbage or Rubbish, for a period of one year commencing January 1, 2009 and ending December 31, 2009 (License Fee \$25.00 per vehicle; Bond \$1,000.00.)

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

7. Unfinished Business: None

8. New Business:

09-018 VOTED to open the correspondence from Alan Benevides,

P.E., Woodard & Curran, regarding capping and post closure use of the Whipple Avenue landfill.

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

Discussion: Alan Benevides, PE, Woodard & Curran, reviewed earlier presentations relative to the requirement to cap the Whipple Avenue landfill. Mr. Benevides reviewed the options for post-closure use, as outlined in his January 21, 2009 correspondence: Option 1, Use Urban Fill/Contaminated Soil as Subgrade Fill beneath Soil Cap; Option 2, Use Site for Continued DPW Use and Passive Recreation Trail; and Option 3, No Post Closure Use and Relocate DPW Operations. The effect of each option was discussed.

Option 2, Use Site for Continued DPW Use and Passive Recreation Trail was discussed. It was suggested that a proposed walking trail at the southern “toe-of-slope”, over the sewer interceptor, could be included in the design but that its construction could be deferred. Jeffrey Presbrey of Whipple Avenue commented on the options, as outlined in the various options. Mr. Presbrey’s comments were reviewed and discussed.

MOTION that the Council accept option 2, use site for continued DPW use, without passive recreation trail; however, keeping as a future option, additional development that may include such activities, or others.

Motion by Councilor Kevin M. Blais.

AMENDED MOTION option 2, use site for continued DPW use, with possible future passive recreation; to design both concepts and permit both concepts (continued DPW use and Passive Recreation Trail); and construction (of the trail) would be optional.

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

09-019 VOTED to refer to the Ordinance Subcommittee the proposed ordinance, Sec. 6-2 Building Permit.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley.

Note: Timothy F. Kane, Town Solicitor, noted that §6-2, Building Permit, is a standalone ordinance, and not part of the zoning

ordinance, as indicated on the agenda.

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

09-020 VOTED to refer to the Screening Subcommittee applications from Mark S. Brizard, for reappointment to the Redevelopment Agency; Sandra Cooney, for reappointment to the Zoning Board of Review; Bruce F. Ferreira, for reappointment to the Planning Board; Gregory J. Degnan, for appointment to one of various boards; James A. Langlois, for reappointment to the Redevelopment Agency; Paul A. MacDonald, for reappointment to the Personnel Board; John Patriarca, for reappointment to the Zoning Board of Review; and Mike Scurka, for reappointment to the Conservation Commission.

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

Pending Legislation to be considered and acted on:

09-021 VOTED to support Senate Bill 2009 – S 008 Relating to Motor

Vehicles – Motor Vehicles Offenses; this act would make text messaging while driving a motor vehicle offense and provide fines and penalties.

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

09-022 VOTED to endorse Senate Bill 2009 – S 0044 Relating to State Affairs and Government – Open Meetings; this act would make public notice of school committee meetings in newspapers optional; and let the legislators know.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one opposed. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais voted in opposition.

09-023 VOTED to endorse House Bill 2009 – H 5097 Relating to elections – Voter Identification; and to advise the legislators that we support.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin M. Blais. The motion carried, four in favor, three opposed. Voting in favor were Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, and John M. Karmozyn, Jr. Voting in opposition were Council President Nancy F. Binns and Councilors Kevin D. Heike and Norman C. Mainville.

09-024 VOTED to endorse House Bill 2009 – H 5111 Relating to Public Utilities and Carriers – Excavation Near Underground Utility Facilities – Costs; and refer to our legislators.

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

09-025 VOTED to receive and file House Bill 2009 – H 5113 Relative to the Special House Commission to study the feasibility of establishing an institution of higher learning at the Zambarano Hospital facility.

Note: The House had passed Bill 2009 – H 5113.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin M. Blais. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M.

Blais, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville.

09-026 VOTED to open discussion of House Bill 2009 – H 5019 An Act Making Appropriations for the Support of the State for Fiscal Year Ending June 30, 2009.

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

Discussion: Michael C. Wood, Town Manager, said that the proposed resolutions had been developed for the Town Council's consideration based upon the discussions of the January 26, 2009 pre-budget meeting. The two proposed resolutions were reviewed and discussed.

VOTED to adopt resolution #09-026, the short-term, on Budget Article changes, as follows:

Burrillville Town Council

Resolution

Supporting the FY2009 Supplemental Budget

WHEREAS, at the regular meeting of the Burrillville Town Council

held on January 28, 2009 at 7:00 P.M. in the Town Council Chambers, at which time a quorum was present and acting throughout, the Burrillville Town Council discussed various supplemental Budget Articles intended to protect the public treasury and allow municipal government to regain control over expenditures resulting from legislative mandates that impact local property taxes; and

WHEREAS, the Burrillville Town Council finds that cities and towns are faced with increasing demands upon their finances and that Governor Donald Carcieri has put forth a number of Budget Articles with the intention of reducing the cost of local government, eliminating mandates and onerous pre-existing legislation; and

WHEREAS, the Burrillville Town Council finds that the articles set forth herein provide management tools that are needed to implement effective control of the cost of local government; and

WHEREAS, the Burrillville Town Council finds that the current state of the law in Rhode Island imposes unfair burdens upon municipal government, its public officials and the taxpayers of Rhode Island's cities and towns due to a statutory scheme that imposes unreasonable restrictions and costs upon the cities and towns of Rhode Island; and

WHEREAS, Governor Carcieri introduced legislation that would impact municipalities in the following manner:

ARTICLE 16 - RELATING TO THE TELECOMMUNICATIONS TAX

Freezes the tax rate applied for the Public Service Corporation (Telephone) Tax to stop further losses in tax revenue which goes to

cities and towns

ARTICLE 17 - RELATING TO STATEWIDE SCHOOL FOOD SERVICES PROGRAM

Mandatory statewide school food services agreement to service all districts and public schools

ARTICLE 18 - RELATING TO SCHOOL BUS MONITORS

Calls for the repeal of the mandate to provide school bus monitors

ARTICLE 19 - RELATING TO STATEWIDE SCHOOL HEALTH, VISION AND DENTAL INSURANCE PROGRAM

Creates a statewide health insurance contract which municipalities may opt out of if they can prove they are realizing more savings under their own plan

ARTICLE 20 - RELATING TO STATEWIDE PURCHASING SYSTEM AND PROGRAMS

Expands joint purchasing opportunities for compatible and shared services

ARTICLE 22 - RELATING TO TRANSPORTATION OF PUPILS

Eventual implementation of a statewide system of transportation

ARTICLE 23 – RELATING TO HEALTH AND SAFETY OF PUPILS – SCHOOL NURSES

Removes the requirement that schools employ “nurse/teachers” and that they only need to employ nurses

ARTICLE 25 - RELATING TO TEACHERS’ TENURE

Would change the date for notification to teachers for lay-offs from March 1st to June 1st

ARTICLE 26 - RELATING TO COLLECTIVE BARGAINING FISCAL

IMPACT STATEMENTS

Requires towns, cities and school committees to post proposed collective bargaining agreements on the appropriate town or city website 30 days prior to contract ratification

ARTICLE 27 - RELATING TO CERTIFIED SCHOOL TEACHERS' ARBITRATION ACT

Would prohibit "work-to-rule" activities by unions and provide penalties for both individuals and union locals in the event of a teacher strike

ARTICLE 29 - RELATING TO SCHOOL COMMITTEES AND SUPERINTENDENTS – MANAGEMENT RIGHTS OF SCHOOL COMMITTEE

Secure school committees' management control over issues that are not appropriate for collective bargaining.

ARTICLE 40 - RELATING TO FIREFIGHTERS' AND MUNICIPAL POLICE – LAST BEST OFFER

Establishes last-best offer, total package arbitration as the impasse procedure to resolve contract disputes with police and firefighter unions

ARTICLE 41 - RELATING TO SCHOOL AND MUNICIPAL REALIGNMENT COMMISSION

Establishes several commissions to study and report on municipal public safety and other consolidations/mergers by March 10, 2010

ARTICLE 42 - RELATING TO FIREFIGHTERS' AND MUNICIPAL POLICE – ARBITRATION

Expands the criteria that arbitration panels must consider in rendering their decision and allows for arbitration awards to be up to three (3) years in duration, and requiring compliance with tax cap limits

ARTICLE 43 - RELATING TO FIREFIGHTERS' AND MUNICIPAL POLICE MANNING

Removes all issues related to manpower levels and deployment from police and firefighter collective bargaining

ARTICLE 46 - RELATING TO POLICE OFFICERS AND FIREIGHTERS – INJURED ON DUTY

Reduces on-the-job injury pay to police and firefighters to 80% of their pay rather than 100%

ARTICLE 47 - RELATING TO PRE-JUDGMENT INTEREST

Prohibits municipal employees from being sued in their personal or individual capacity, limits joint and several liability and eliminates the award of pre-judgment interest by the courts

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Burrillville, respectfully request that the General Assembly support these Articles within House Bill H-5019.

BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Town of Burrillville State Senator and State Representatives in the Rhode Island General Assembly seeking their consideration and support of these Articles contained in 2009 - H-5019.

BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

Adopted this 28th day of January 2009

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The motion carried, six in favor, one opposed. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, Kevin D. Heike and John M. Karmozyn, Jr. Voting in opposition was Councilor Norman C. Mainville.

VOTED to adopt the resolution on long-term goals, as follows:

Burrillville Town Council

Resolution

Supporting the FY2009 Supplemental Budget

WHEREAS, at the regular meeting of the Burrillville Town Council held on January 28, 2009 at 7:00 p.m. in the Town Council Chambers, at which time a quorum was present and acting throughout, the Burrillville Town Council discussed various supplemental Budget Articles intended to protect the public treasury and allow municipal government to regain control over legislative mandates that impact

local property taxes; and

WHEREAS, the Burrillville Town Council finds that cities and towns are faced with increasing demands upon their finances and that Governor Donald Carcieri has put forth a number of Budget Articles with the intention of reducing the cost of local government, eliminating mandates and onerous pre-existing legislation; and

WHEREAS, the Burrillville Town Council finds that the articles set forth herein provide management tools that are needed to implement effective control of the cost of local government; and

WHEREAS, the Burrillville Town Council finds that the current state of the law in Rhode Island imposes unfair burdens upon municipal government, its public officials and the taxpayers of Rhode Island's cities and towns due to a statutory scheme that imposes unreasonable restrictions and costs upon the cities and towns of Rhode Island; and

WHEREAS, Governor Carcieri introduced legislation that would impact municipalities in the following manner:

ARTICLE 5 - RELATING TO UNEMPLOYMENT INSURANCE BENEFITS

Provides that the waiting period for unemployment benefits claims will not be in effect from passage through June 30, 2009, and that severance pay will no longer be allocated entirely to the last day of work

ARTICLE 7 - RELATING TO STATE AID

This article would eliminate general revenue sharing payments to

municipalities in FY 2009. Suspends General Revenue Sharing payments for the current fiscal year.

ARTICLE 21 - RELATING TO SCHOOL BUDGET RESOLUTION

Establishes a panel to resolve school-municipal budget disputes in any year there is a reduction in general or education aid

ARTICLE 31 - RELATING TO EDUCATION AID

Suspends the professional development investment fund allocation for FY 2009 only, reduces FY 2009 education aid by the equivalent savings realized due to changes in the teachers' retirement system, and further reduces aid for previously paid school housing aid determined to be ineligible for reimbursement

ARTICLE 32 - RELATING TO PENSION REFORM

Modifies retirement provisions/pension benefits for state employees, teachers, judges and state police who retire after April 1, 2009.

ARTICLE 44 - RELATING TO MUNICIPAL HEALTH INSURANCE COST SHARING

Mandates a 25% health insurance (including dental and vision care) co-payment for all municipal employees and school teachers

ARTICLE 45 - RELATING TO MUNICIPAL RETIREMENT

Makes major changes to the Municipal Employees Retirement System and also affects private, municipally-administered pension plans (e.g.

1% increase in employee contributions, 50% disability pensions, min. 30 years service or age 59, 25 years service for public safety pensions)

ARTICLE 48 - RELATING TO PERSONNEL REFORM

Requires collective bargaining agreement to which the State is a party, be reviewed and approved by the state's chief executive officer or his or her designee prior to becoming effective. It further provides that minimum staffing levels, the deployment of personnel while on the job, the types of equipment utilized by the State or its departments and the number of or location of any vehicles or facilities shall not be the subject of collective bargaining nor may they be mandated by an arbitration decision. This article also limits the authority of the Personnel Appeal Board to either uphold or overrule disciplinary action taken by the State in appeals by persons who have been discharged, suspended or otherwise disciplined

WHEREAS, these initiatives may be appropriate cost-cutting measures for the long-term; and

WHEREAS, the implementation schedule of these articles is neither cost effective nor practical for cities and towns in the short-term.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Burrillville, respectfully request that the General Assembly give due consideration to the provisions of Articles #7, #31, #32, #44, #45 and #48 of House Bill 2009 - H5019, and devise a practical long-term implementation schedule for these measures.

BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Town of Burrillville State Senator and State Representatives in the Rhode Island General Assembly seeking their consideration and support of these Articles contained in 2009 - H 5019.

BE IT FURTHER RESOLVED that the Town Clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

Adopted this 28th day of January 2009

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

Additional Pending Legislation to be considered and acted on:

VOTED to table Senate Bill 2009 – S 0053 – Rhode Island Medicaid Reform Act.

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

VOTED to support Senate Bill 2009 – S 0077 relating to Probate Practice – Unclaimed Property.

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

VOTED to support Senate Bill 2009 – S 0083, Relating to Elections – Voter Identification.

Motion by Councilor Kevin M. Blais. Seconded by Councilor Margaret L. Dudley. The motion carried, four in favor, three opposed. Voting in favor were Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, and John M. Karmozyn, Jr. Voting in opposition were Council President Nancy F. Binns and Councilors Kevin D. Heike and Norman C. Mainville.

VOTED to support House Bill 2009 – H 5010, relating to Motor and

Other Vehicles – Traffic Control Devices.

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

VOTED to endorse House Bill 2009 – H 5130 relating to Taxation – Real Estate Conveyance Tax.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.

9. Town Clerk/Communication:

09-027 VOTED to receive and file the correspondence from the Planning Board to the Zoning Board of Review relative to a minor subdivision regarding Map 178/Lot 5, owned by the Industrial Foundation.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor

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

09-028 Questionnaire for FY2010 grants/funding – Office of Congressman Patrick J. Kennedy

MOTION to make sure that all the different departments receive the questionnaire.

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

The motion was withdrawn. The second was withdrawn.

Michael C. Wood, Town Manager, asked the Town Councilors to submit their ideas for projects to his office.

VOTED to receive and file.

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

Note: Michael C. Wood, Town Manager, indicated that he would provide the Town Council with a list of projects that were proposed for funding.

10. VOTED to receive reports #1 through 23 as presented:

- 1. Town Treasurer: Reports of November and December 2008**
- 2. Burrillville Sewer Commission: Reports of November & End of Year 2008 and meetings of November 8 and December 9, 2008**
- 3. Tax Collector: Reports of November & December 2008**
- 4. Department of Public Works: Report of December 2008**
- 5. Chief of Police: Reports of November & December 2008**
- 6. Office of Building Official: Reports of December & End of Year 2008**
- 7. Animal Control Officer: Reports of November & December 2008**
- 8. Burrillville Housing Authority: Meetings of November 18 and December 10, 2008**
- 9. Planning Board/Town Planner: Meeting of December 1, 2008**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: No report**
- 12. Information Systems Department: Report of January 2009**
- 13. Burrillville Conservation Commission: Meetings of November 11 and December 9, 2008**
- 14. Ordinance Subcommittee: Meetings of August 15 and December 11, 2008**

- 15. Redevelopment Agency: No report**
- 16. B-PAC: No report**
- 17. Personnel Board: Meeting of November 8 and December 6, 2008**
- 18. Screening Subcommittee: Meeting of November 17, 2008**
- 19. Budget Board: Meeting of December 17, 2008**
- 20. Burrillville School Committee: Meetings of October 14, November 12 and December 3, 2008**
- 21. Senior Center Feasibility Study Committee: Meeting of December 3, 2008**
- 22. Emergency Management Agency: No report**
- 23. Public Safety Committee: No report**

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

11. Additional New Business:

09-029 MOTION to grant the requests for executive session from Michael C. Wood, Town Manager, Nancy F. Binns, Town Council President, and Timothy F. Kane, Town Solicitor, pursuant to Rhode Island Open Meetings Act

[\$42-46-5(a)(2)] to consider, discuss and act on potential litigation

matters, employment contracts, collective bargaining agreements between the Town of Burrillville and the Fraternal Order of Police Burrillville and the Town of Burrillville and Rhode Island Council 94, Local 186; and

[42-46-5 (a)(2)] for consideration and discussion relative to collective bargaining agreement between the Burrillville School Committee and Burrillville Teachers' Association; and

[\$42-46-5(a)(2)] to consider, discuss and act on potential litigation matters and [\$42-46-5(a)(4)] to consider, discuss and act on investigative proceedings regarding allegations of civil misconduct relative to complaints of alleged Charter violations against Councilor Kevin M. Blais.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley.

Councilor Kevin M. Blais asked that the three requests for executive session be taken separately.

09-029 Requests for executive session

VOTED to grant the request for executive session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meetings Act [\$42-46-5(a)(2)] to consider, discuss and act on potential litigation

matters, employment contracts, collective bargaining agreements between the Town of Burrillville and the Fraternal Order of Police Burrillville and the Town of Burrillville and Rhode Island Council 94, Local 186.

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

VOTED to grant the request for executive session from Nancy F. Binns, Town Council President, pursuant to Rhode Island Open Meetings Act [42-46-5 (a)(2)] for consideration and discussion relative to collective bargaining agreement between the Burrillville School Committee and Burrillville Teachers' Association.

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

Note: Councilor Kevin M. Blais recused on the following item due to the fact that he has a potential to be a litigant in the matter.

VOTED to grant the request for executive session from Timothy F. Kane, Town Solicitor, pursuant to Rhode Island Open Meetings Act [§42-46-5(a)(2)] to consider, discuss and act on potential litigation matters and [§42-46-5(a)(4)] to consider, discuss and act on investigative proceedings regarding allegations of civil misconduct relative to complaints of alleged Charter violations against Councilor Kevin M. Blais.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one recusal. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais recused.

The Council returned to open session at 9:38 P.M.

VOTED to seal the minutes of executive session, noting that there were no votes taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais was not present at the time of the vote.

With regard to the third item listed under #09-029, executive session, VOTED to set a public hearing to consider and adjudicate alleged violations of the Town Charter by Councilman Kevin Blais; specifically §19.10; said hearing to be held on Wednesday, March 18, 2009 at 6:00 P.M. at a location to be determined by the Council President; and to authorize the Solicitor to send formal notice to Mr. Blais, listing the charges and informing Mr. Blais of his due process rights.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais was not present at the time of the vote.

12. VOTED to adjourn at 9:39 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais was not present at the time of the vote.

Louise R. Phaneuf, Town Clerk