

REGULAR MEETING of the Burrillville Town Council held Wednesday, March 11, 2009 at 9:32 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 February 25, 2009 and dispense with the reading of said minutes.

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

3. Public Comment:

Noting the March 11th birthdays of both the Town Planner Thomas J.

Kravitz and the Deputy Planner Christine Langlois, Joseph Raymond, Burrillville Building Official commented on the interesting coincidence of the entire department sharing the same date of birth.

4. General Good and Welfare of the Town of Burrillville

Councilor John M. Karmozyn, Jr. announced the Callahan March Breakfast to be held from 8:00 to 11:00 A.M. on March 14, 2009.

Councilor John M. Karmozyn, Jr. announced the Levy Spaghetti Dinner to be held at the Burrillville Middle School from 5:00 to 8:00 P.M. on April 1, 2009.

Councilor Norman C. Mainville noted that Northwest Community Healthcare and Tri-Town Community Action Program are among the health centers nationwide who will receive federal grants that will benefit residents of the northwest corner of the state.

Councilor Norman C. Mainville extended congratulations to Brian Ahern of The Rhode Island Interlocal Trust, who was recognized by the Rhode Island Recreation & Parks Associations for his service as Loss Prevention Manager in connection with skateboard parks. Councilor Mainville asked that a letter of congratulations be sent to Mr. Ahern.

Councilor Norman C. Mainville congratulated Finance Director John

P. Mainville on his reappointment to the Board of The Rhode Island Interlocal Trust.

Councilor Norman C. Mainville recognized Walter Kane, Assistant Town Solicitor on a recent feature article about him in Your Smithfield magazine.

Assistant Town Solicitor Walter J. Kane discussed his pleasure at sitting with the Town Council for the current meeting and his association with the Town of Burrillville.

Councilor Margaret L. Dudley announced the Burrillville Little League baseball and softball try-outs and clinic to be held March 15, 2009.

Councilor Margaret L. Dudley announced the Friends of the Library Silent Auction to be held on March 14, 2009.

Michael C. Wood, Town Manager, extended thanks to the Burrillville Housing Authority for giving a table and chairs to the Town.

Councilor Blais discussed the results of a recent ear evaluation, notified the Town Council that he would not participate in votes, and offered to forward a letter from the doctor.

Council President Nancy F. Binns announced that the Burrillville Emergency Management Agency would participate in a statewide

exercise of the Medical Emergency Distribution System Plan on March 21, 2009. Council President Binns described the program.

Council President Nancy F. Binns noted that she and the Town Manager had attended the Rhode Island Recreation & Parks Association awards luncheon, at which the Department of Parks & Recreation received the Department of the Year award and Mr. Brian Ahern of The Interlocal Trust had been awarded the Step Up to the Plate award.

Council President Nancy F. Binns announced that items 09-063 and 09-071 would be taken up at this point on the agenda.

09-063 Correspondence from Bonnie Cook regarding her request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

VOTED to deny the request for an abatement of interest.

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

09-071 Correspondence from John P. Mainville, Finance Director, regarding the tax assessor's report on abatements and uncollectibles.

VOTED to approve the abatements (\$72,309.06) for the period covering April 1, 2008 to December 31, 2008.

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

VOTED to receive and file the additions (\$27,498.54) for the period covering April 1, 2008 to December 31, 2008.

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

5. Petitions: None

6. Special Business:

09-058 VOTED to adopt a proclamation designating April 18, 2009 Burrillville Earth Day, as follows:

Burrillville Town Council

Resolution

WHEREAS, the Council of the Town of Burrillville recognizes that the First Earth Day in 1970 was the beginning of the modern environmental movement which helped shape the values and priorities of a whole generation; and

WHEREAS, as a result of citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered Species Act, and superfund legislation putting a lasting framework for the future into place; and

WHEREAS, Rhode Islanders in general, and Burrillville residents in particular, have demonstrated leadership in environmental action and awareness, and have also expected environmental action from their leaders; and

WHEREAS, it is our common responsibility to clean up our environment and protect it from harm; and

WHEREAS, in 2009 Earth Day is April 18th and in Rhode Island Earth Day activities will take place in the days and weeks around that date.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville declare April 18th 2009 Burrillville Earth Day in

support this 29th year of Earth Day activities.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, encourage Burrillville residents to participate in neighborhood cleanups, educational activities, and celebrations connected with Rhode Island Earth Day.

Adopted this 11th of March 2009

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

09-059 VOTED to grant a Special Event Victualing House License to Nasonville Volunteer Fire Department to apply at 2577 Victory Highway, Nasonville (Assessor's Map 114, Lot 32) for the Spring and Fall Chowder & Clam Cake Dinners to be held on April 26, 2009 and September 20, 2009.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. 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.

09-060 VOTED to grant a Special Event Victualing House License to Pascoag Boy Scout Troop 100 to apply at 183 Sayles Avenue, Pascoag (Assessor's Map 174, Lot 131) for events to be held on March 27, 2009, April 19, 2009 and November 7, 2009.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. 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.

7. Unfinished Business: None

8. New Business:

09-061 VOTED to continue the correspondence from Wendy Allmendinger, Program Recruiter, RI MENTOR, regarding her request to make a presentation related to the foster care program.

Motion by Councilor Wallace F. Lees. 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.

09-062 VOTED to open the correspondence from Don C. Wolfe, Chairman, Burrillville Sewer Commission, regarding the Commission's request for the Town Council's approval for legislation amending Chapter 25 of the Public Laws of 1974 establishing the Sewer Commission.

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

Discussion: Don C. Wolfe, Chairman of the Burrillville Sewer Commission, explained that the reasons for the request were 1) to increase the amount of the penalties that the Commission can impose and 2) to increase the membership of the board from three to five members. Councilor Norman C. Mainville noted that the Screening Subcommittee had discussed the membership and would support the increase. Assistant Town Solicitor Walter J. Kane indicated that he would draft the required legislation.

VOTED to refer to Walter Kane to write up legislation and to introduce the proposed legislation.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. 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.

09-063 Correspondence from Bonnie Cook regarding her request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

Note: Item 09-063 was addressed earlier on the agenda.

09-064 VOTED to refer to the Screening Subcommittee the applications from Paul Lavimodiere and José A. Pedro for reappointment to the Conservation Commission.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. 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.

Pending Legislation to be considered and acted on:

09-065 VOTED to open the Rhode Island League of Cities and Towns summary of budget articles which have been introduced as separate legislative bills.

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

Discussion: Michael C. Wood, Town Manager, noted that the summary listed legislative bills related to the 2009 supplemental budget articles. Councilor Norman C. Mainville urged caution in taking a position on bills on matters over which the Town Council has no authority. Councilor Mainville noted that the Town Council had taken a position on the matters listed in the summary. There was general discussion of the proposals.

VOTED to authorize the administration to send correspondence confirming the Town Council's position on the various bills.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M.

Karmozyn, Jr. 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.

09-066 VOTED to support House Bill 2009 – H 5338 An Act Relating to Towns and Cities – Sewer Charges.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. 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.

09-067 VOTED to open discussion of 2009 – H 5679 An Act relating to Towns and Cities – Councils and Governing Bodies.

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

Discussion: Councilor Margaret L. Dudley spoke in opposition of the bill, suggesting that the appointing powers of the cities and towns should not be given to the state.

MOTION to oppose the bill, and to send a notice to all Cities and Towns that we oppose this bill, and to make it clear in the notice that we did not ask that it be introduced.

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

Councilor Norman C. Mainville said that he had discussed the bill with Representative Pacheco, who had indicated that his intent was to get the towns in line with the way the schools are run. The proposal, its purpose, and the possible effect(s) were discussed.

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.

09-068 VOTED to endorse Senate Bill 2009 – S 0247 An Act Relating to Towns and Cities – Sewer Charges.

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.

Note: Councilor Norman C. Mainville recused on item 09-069.

09-069 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding a surcharge, public works fuel station.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. 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.

Discussion: Michael C. Wood, Town Manager, indicated that this proposal was intended to increase revenues and recoup some of the Town's expense related to the fuel station, due to the economic situation. The ten-cent per gallon surcharge would affect the Fire Districts and Pascoag Utility District.

There was discussion of which agencies would be charged, whether the price to the Town would increase if these agencies stopped using the fuel station, the administrative costs associated with the fuel

station, the savings realized by the agencies, financial contributions made by the agencies in the past, the necessity to pass costs on to taxpayers, the difficulty of paying an unbudgeted amount, and the practice of quasi-municipal agencies charging the Town for services. Discussion followed.

MOTION to authorize the administration to assess five-cents per gallon for all non-town organizations utilizing the town's fuel station effective from today through June 30; and effective July 1, the administration is authorized to assess ten-cents per gallon for all non-town organizations utilizing the town's fuel station.

Motion by Councilor Margaret L. Dudley. There was no second.

09-070 Correspondence from Louise R. Phaneuf, Town Clerk, regarding Goals & Objectives and Public Policy and the Legislative Agenda.

MOTION to receive and file.

Motion by Councilor Norman C. Mainville. There was no second.

MOTION to table to the next meeting.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, five in favor, one opposed,

one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Margaret L. Dudley voted in opposition. Councilor Kevin M. Blais abstained.

09-071 Correspondence from John P. Mainville, Finance Director, regarding the tax assessor's report on abatements and uncollectibles: to approve the abatements (\$72,309.06) for the period covering April 1, 2008 to December 31, 2008; to be considered and acted on; and to receive and file the additions (\$27,498.54) for the period covering April 1, 2008 to December 31, 2008; to be considered and acted on.

Note: Item 09-071 was addressed earlier on the agenda.

9. Town Clerk/Communication:

09-072 VOTED to receive and file the correspondence from the Mayor Jeanne-Marie Napolitano of Newport regarding the city's invitation to participate and march in the 53rd Annual Saint Patrick's Day Parade.

Motion by Councilor Wallace F. Lees. 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.

09-073 VOTED to post on the web and at the town hall; and to receive and file the correspondence from William R. Blanton, Jr. CFM, Chief, Engineering Management Branch, Mitigation Directorate, FEMA, regarding Letters of Map Change (LOMCs) that revise the effective National Flood Insurance Program map.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. 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.

09-074 VOTED to receive and file the correspondence from Louise R. Phaneuf, Town Clerk, regarding a legislative status report on the bills on which the Town Council has taken a position.

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

09-075 VOTED to support, and then receive and file, the resolution of the East Greenwich Town Council Supporting Certain Articles of House Bill 5019 – Budget Articles.

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

09-076 VOTED to support the resolution of the West Warwick Town Council Supporting the end of Caruolo Act.

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.

09-077 VOTED to receive and file the correspondence from Tracy N. Hay, Richmond Town Clerk, regarding the Town of Richmond's filing communication from the Burrillville Town Council.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor

Wallace F. Lees. 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.

10. Additional New Business:

09-078 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)(5)] for review, discussion, and consideration related to the acquisition, sale and exchange of real property: Roosevelt Avenue.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. 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.

There was a recess before executive session.

The Council returned to open session at 11:16 P.M.

VOTED to seal the minutes of executive session, noting that no votes

had been taken.

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.

VOTED to adjourn at 11:17 P.M.

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.

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

Louise R. Phaneuf, Town Clerk