

**REGULAR MEETING of the Burrillville Town Council held Wednesday, April 28, 2010 at 7:00 P.M. in the Jesse M. Smith Memorial Library, 100 Tinkham Lane, Harrisville, for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, 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.**

**10-053 Resolution recognizing the 100th anniversary of Boy Scouts of America.**

**Council President Nancy F. Binns noted that, in honor of the 100th anniversary of Boys Scouts of America, the Town Council had been honoring Scouts at each recent meeting. The Cub Scouts of Pack 1 were recognized.**

**2. VOTED to accept the minutes of the regular meeting and the public hearing held March 24, 2010 and dispense with the reading of said minutes.**

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

**Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

### **3. Public Comment**

**Jack Hodys of 185 Donahue Road commended the Town Council, Town Manager, Finance Department and staff for the financial condition of the town. Mr. Hodys commented on proposed amendments to the Charter. Mr. Hodys suggested that finite details, such as specific salary and benefit levels, are better managed by ordinance. Mr. Hodys said he preferred a smaller, appointed school committee than the recommended part elected/part appointed. Mr. Hodys suggested changes in the budget procedure to provide for the Budget Board's recommendation to be moved to end of process.**

### **4. General Good and Welfare of the Town of Burrillville**

**Councilor Margaret L. Dudley reminded those present of the Friends of the Library silent auction, which was scheduled to end on May 8, 2010.**

**Councilor Margaret L. Dudley announced the Family Fair, to be held on May 8, 2010.**

**Councilor Margaret L. Dudley noted that Ocean State Power scholarship applications are available at Burrillville High School and the Burrillville Town Building. Council President Nancy F. Binns encouraged applications.**

**John M. Karmozyn, Jr. announced the Lions' Club Scholarship Breakfast scheduled for May 23, 2010 at the Burrillville Middle School from 7:30 A.M. to Noon.**

**Councilor Robert A. Bishop announced a Sleepy Time Stories program for children ages two through seven at the Pascoag Library on Mondays from 6:30 to 7:00 p.m. beginning April 12 and continuing until May 17, 2010.**

**Councilor Norman C. Mainville asked members of Team Renegade 154 who were seniors whether they had applied for Ocean State Power Scholarships. (Eligible members had applied.)**

**Councilor Kevin D. Heitke announced the Second Annual Golf Tournament to benefit the Father Holland School, scheduled for May 21, 2010.**

**Council President Nancy F. Binns commended the Harrisville Water District on having been named the Best Tasting Chlorinated Water and the Oakland Water Association on the Best Tasting Non-Chlorinated Water.**

**5. Petitions: None**

**6. Special Business:**

**10-102 Proclamation recognizing Northern Rhode Island Robotics Collaborative Team Renegade 154 on their 2010 accomplishments.**

**Councilor Kevin D. Heitke introduced Team Renegade 154, which recently had won second place in the For Inspiration and Recognition of Science and Technology (FIRST) robotics competition in Atlanta, GA. The team included: Zachary Alarie, Jeff Bowser, Ian Goulet, Kathleen Kay, Andrew Klegraefe, Nicole Laliberte, Derek Poitras, Cody Wojciechowski and their advisors Andrew Aldrich and Josh Groleau .**

**The team showed a video of their championship win, described their robot and the game, and provided a demonstration, which was followed by a question and answer period.**

**VOTED that at the next meeting there would be an agenda item to have signs made that say “Home of Renegade 154 – Second in the World”.**

**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, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**Council President Nancy F. Binns presented the proclamation to Mr. Aldrich, extending the congratulations of the Town Council.**

## **7. Public Hearings**

**VOTED to amend the agenda to entertain a new victualing house license for Thai Time restaurant.**

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

**Relative to hearing the application for a new, Victualing House License under provisions of Title 3, Chapter 7 and Title 5, Chapter 24, Section 1, General Laws of Rhode Island, 1956.**

**a) Application from Achara Weydt Corporation d/b/a Thai Time Restaurant, 98 Pascoag Main Street, Pascoag (Map 175, Lot 40) in a building owned by Sheila Finn, subject to: payment of taxes owed to the Town of Burrillville, compliance with all state and local building and fire codes, certification by the Rhode Island Department of**

**Health; certificate of insurance in compliance with §8-28 of the Ordinances of the Town of Burrillville.**

**Note: Application is in compliance with listed requirements.**

**b) Comments by applicant**

**The applicant thanked the Town Council, described the proposed restaurant, noting that no alcohol would be offered until a public hearing had been conducted and the Town Council had granted the license.**

**c) Proponents: None**

**d) Opponents: None**

**The applicant confirmed that Workers' Compensation Insurance would be provided by her insurance company.**

**e) VOTED to grant a new victualing house license to Achara Weydt Corporation d/b/a Thai Time Restaurant, 98 Pascoag Main Street, Pascoag (Map 175, Lot 40) in a building owned by Sheila Finn, to expire on June 30, 2010.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors**

**Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**f) VOTED to adjourn.**

**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, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**8. Unfinished Business: None**

**9. New Business:**

**10-103 VOTED to open the correspondence from Carol E. Murphy, Save the Lakes, Inc., regarding an educational workshop on sustainable landscape management techniques; and correspondence from Councilor Margaret L. Dudley regarding sponsorship of the session.**

**Motion by Councilor Wallace F. Lees. 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, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**Carol Murphy distributed literature relative to the Save the Lakes, Inc. organization and reviewed the content and purpose of the Healthy Lakes workshop scheduled for May 19, 2010 at 7:00 P.M. at The Assembly Theater.**

**Councilor Margaret L. Dudley suggested that this workshop might meet the educational component of the Stormwater Management Plan and recommended that the Town Council cosponsor the workshop. Michael C. Wood, Town Manager, said that the administration would research the question.**

**VOTED that the Town cosponsor the event by paying the \$100.00 Assembly rental fee; with funds from the Contingency Fund under the Town Council.**

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

**10-104 VOTED to refer to the Screening Subcommittee the applications for reappointment from Aaron J. Coutu, Hubert J. Cournoyer, Daniel P. Joubert, Sr. and Nathan M. St. Pierre.**

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

**10-105 MOTION to refer to the Ordinance Subcommittee the request of Don Waterman that the Town Council consider legislation to protect and preserve historic cemetery sites.**

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

**Discussion: Councilor Margaret L. Dudley asked whether other communities had ordinances related to protection and preservation of historic cemetery sites. The matter was discussed.**

**The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**10-106 Correspondence from M. Christine Langlois, Deputy Town Planner, regarding a request for a Town Councilor to serve as liaison to the Heritage Landscape Inventory Committee.**

**Councilor Margaret L. Dudley volunteered to serve as liaison to the heritage Landscape Inventory Committee.**

**10-107 VOTED to support by resolution an application for a State of Rhode Island Energy Efficiency and Conservation Block Grant, and to authorize Michael C. Wood, Town Manager, to prepare, sign and submit the application; the application may be submitted in conjunction with the Pascoag Utility District at the discretion of the Town Manager.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees.**

**Discussion: Michael C. Wood, Town Manager, reviewed the proposal to cosponsor a grant application related to energy efficiency in home heating. Mr. Wood indicated that the town would be under no financial obligation to put any money forward. Mr. Wood reported that the Pascoag Utility Board of Directors had voted to support the application.**

**The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**10-108 MOTION to approve an amendment to the contract between**

**the Town of Burrillville and Coastal Recycling, Inc., extending the contract to June 30, 2013; and to authorize Michael C. Wood, Town Manager, to sign the amendment.**

**VOTED to open.**

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

**Discussion: Michael C. Wood, Town Manager, said that Coastal Recycling had agreed to extend the contract at reduced costs. Mr. Wood indicated that the savings would be significant and recommended accepting the amendment. Councilor John M. Karmozyn, Jr. indicated that he supported the extension but commented on resident complaints with rubbish and recycling pick up, suggesting that Coastal Recycling, Inc. should be compelled to improve the service. The matter was discussed.**

**VOTED to approve an amendment to the contract between the Town of Burrillville and Coastal Recycling, Inc., extending the contract to June 30, 2013; and to authorize Michael C. Wood, Town Manager, to sign the amendment.**

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

**10-109 VOTED to open a resolution that the Town Administration be authorized to seek State approval to exceed the 4.5 percent cap on tax levy for FY2011. Note: RIGL requires a 4/5 majority vote of the Town Council to pass this resolution.**

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

**Discussion: Michael C. Wood, Town Manager, reviewed the potential revenue issues, as outlined the in the April 22, 2010 memorandum from John P. Mainville, Finance Director. Mr. Wood said that authorizing the administration to seek approval to exceed the cap would provide the Town Council flexibility to deal with budget issues as they arise. Mr. Wood commented on the serious budget situation, the difficulty of preparing a budget with incomplete data, and the importance of cooperation. The current vote would not commit the Town to exceeding the cap. Another vote would be required to**

**override the cap and a four-fifths majority would be required for the vote to pass. The procedure was discussed. Council President Nancy F. Binns commented on the Motor Vehicle Excise Tax reimbursements and how the unscheduled changes have impacted budgets and taxpayers.**

**MOTION that the Town Administration be authorized to seek the State approval to exceed the 4.5 cap on tax levy for FY2011.**

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

**AMENDMENT: to adopt a resolution that the Town Administration be authorized to seek State approval to exceed the 4.5 percent cap on tax levy for FY2011.**

**Amendment by Councilor Kevin D. Heitke. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**10-110 Consider and act on pending legislation**

**A. Legislative Status Report**

**Senate Bill S2120: On April 27, 2010, the Senate Finance Committee heard the bill and recommended passage.**

**House Bill H7251: On April 27, 2010, the House read and passed the bill.**

**Michael C. Wood, Town Manager, acknowledged the efforts of Rep. Edwin R. Pacheco and Senator Paul W. Fogarty on these bills. The legislators were commended and the clerk was asked to send a letter of thanks to Mr. Pacheco.**

**VOTED to receive and file.**

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

**B. Other pending legislation**

**10. Town Clerk/Communication**

**10-111 Correspondence from Council President Nancy F. Binns regarding schedule of workshops.**

**Council President Nancy F. Binns announced a workshop with the Charter Review Commission on May 3, 2010 at 7:00 P.M. in Town Council Chambers and a workshop with the School Committee on May 17, 2010 at 7:00 P.M. The clerk was asked to reserve the library meeting room for the May 17th meeting, if possible.**

**10-112 Correspondence from Rhode Island city and town councils requesting support for their resolutions, as follows:**

**I. VOTED to receive and file the following resolutions, on which the Burrillville Town Council previously has taken a position:**

**a) Resolutions from Warren Town Council in support of returning the America's Cup Races to the City of Newport; and**

**b) Resolutions from Middletown, Newport, West Warwick and Woonsocket Councils in opposition to mandatory binding arbitration on monetary matters for teachers; and**

**c) Resolution from the Jamestown Town Council supporting legislation establishing a "Blue Alert" program in the State of Rhode Island; and**

**d) Resolution of the Middletown, Newport and West Warwick, Town Councils and the Smithfield School Committee in opposition to mandatory contract continuation legislation.**

**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, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**II. Bills on which the Burrillville Town Council has not taken a position:**

**a) VOTED to support a resolution from Jamestown Town Council in support of bike safety legislation.**

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

**b) VOTED to receive and file a resolution from the West Warwick Town Council in support of House Bill 7236, which would relieve Coventry, West Warwick and Warwick from unfunded state mandates.**

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

**c) VOTED to oppose a resolution from the Warren Town Council –in support of seat belts for school bus passengers.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville.**

**Discussion: Based on personal experience, Councilor Wallace F. Lees suggested that seat belts for school bus passengers would present dangers: they would present a tripping hazard, small children would have trouble buckling the belts, and older students might misuse them. Additionally, he said, in a rollover situation it would be impossible to unbuckle all passengers.**

**The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**d) VOTED to receive and file the correspondence from the Rhode Island Statewide Coalition regarding their request for a resolution to address financial considerations; and the resolution of the Johnston Town Council in support of the RISC recommendation.**

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

**Discussion:** There was discussion of the intent of the proposal and whether the approach was too broad and oversimplified or appropriately specific.

The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville. Councilor Margaret L. Dudley voted in opposition.

**10-113 VOTED** to receive and file the correspondence from Dale S. Holberton, CMC, Town Clerk of the Town of South Kingstown, regarding the Burrillville Town Council's resolution related to House Bill 2010 – S2603, An Act Relating to Labor and Labor Relations – Certified School Teachers' Arbitration.

**Motion by Councilor John M. Karmozyn, Jr. 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, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**11. VOTED** that reports #1 through 24 be received as presented.

**1. Town Treasurer: Report of March 2010**

**2. Burrillville Sewer Commission: Report of March 2010; meeting of**

**March 9, 2010**

- 3. Tax Collector: Report of March 2010**
- 4. Department of Public Works: No report**
- 5. Chief of Police: Report of March 2010**
- 6. Office of Building Official: Report of March 2010**
- 7. Animal Control Officer: Report of March 2010**
- 8. Burrillville Housing Authority: Meeting of March 10, 2010**
- 9. Planning Board/Town Planner: No report**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: No report**
- 12. Information Systems Department: Report of April 2010**
- 13. Burrillville Conservation Commission: Meeting of January 12, 2010**
- 14. Ordinance Subcommittee: No report**
- 15. Redevelopment Agency: Meetings of February 23, 2010**
- 16. B-PAC: No report**
- 17. Personnel Board: Meetings of February 9 and March 16, 2010**
- 18. Screening Subcommittee: No report**
- 19. Budget Board: Meetings of March 11 & 18, 2010**
- 20. Burrillville School Committee: Meetings of January 12 and February 9, 2010**
- 21. Emergency Management Agency: No report**
- 22. Public Safety Committee: No report**
- 23. Charter Review Commission: Meetings of February 8 & 22, 2010**
- 24. Rubbish & Recycling Committee: Meeting of February 8, 2010**

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

**12. Additional Business:**

**10-114 VOTED to grant the requests for executive session from Council President Nancy F. Binns and Town Manager Michael C. Wood, pursuant to Rhode Island Open Meeting Law [§42-46-5(a)(2)] to consider and discuss collective bargaining between the Town of Burrillville and the Fraternal Order of Police Burrillville ; and [§42-46-5(a)(5)] for discussion or consideration related to the lease of real property (negotiation of agreement with SBA Network Services, Inc.)**

**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, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**The Town Council returned to open session at: 8:45 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 Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**10-093 VOTED to receive and file the correspondence from SBA Network Services, Inc. regarding their request related to the lease for land for the SBA Communication Tower Site at Clear River Drive.**

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

**13. VOTED to adjourn at 8:48 P.M.**

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

**The meeting was recorded.**

**Louise R. Phaneuf, Town Clerk**