

REGULAR MEETING of the Burrillville Town Council held Wednesday, May 12, 2010 at 7:00 P.M. in the Town Building, 105 Harrisville Main St., 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.

2. VOTED to accept the minutes of the regular meetings held April 14 and April 28, 2010; and dispense with the reading of said minutes.

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.

3. Public Comment

Gordon Robertson of 302 Snake Hill Road, Glendale, commented on disability exemptions. Mr. Robertson explained that both he and his

wife are disabled but they had not applied for two exemptions because they had been told only one disability exemption per household could be applied. The matter was referred to the administration.

4. General Good and Welfare of the Town of Burrillville

- **Councilor Norman C. Mainville thanked the council, administration and staff for their expressions of sympathy on his recent loss of his son-in-law.**
- **Councilor Margaret L. Dudley announced the Farmers' Market at Levy School/Town Commons beginning May 15, 2010.**
- **Councilor Margaret L. Dudley announced Save the Lakes Healthy Lakes Workshop May 19, 2010 at the Assembly.**
- **Councilor Margaret L. Dudley announced the Carillons' performance on May 15, 2010 at Glad Tidings Church.**
- **Councilor John M. Karmozyn, Jr. distributed the Feinstein club newsletter and commended the club on their accomplishments.**
- **Councilor John M. Karmozyn, Jr. reminded everyone of the Lions' Club Scholarship breakfast on May 23, 2010.**
- **Councilor Robert A. Bishop announced the Pascoag Library book/bake sale.**
- **Councilor Kevin D. Heitke invited people to a 10 in 60 session scheduled for May 19, 2010 at the Jesse M. Smith Memorial Library.**
- **Councilor Margaret L. Dudley was wished a happy birthday.**
- **Councilor Norman C. Mainville announced the Police Department**

open house scheduled for Saturday, May 15, 2010 at 2:00 P.M.

- Council President Nancy F. Binns recognized Jeff McCormick, Director of Public Works and Engineering Services, for his efforts in securing a DEM grant.**
- Council President Nancy F. Binns extended condolences to Buster Steere on the loss of his mother.**
- Council President Nancy F. Binns commented on the Burrillville Athletic Hall of Fame banquet to be held May 26, 2010.**
- Councilor Robert A. Bishop extended condolences to the Larry Wheeler family and commented on Mr. Wheeler's career at the Burrillville School Department.**

5. Petitions: None

6. Special Business:

10-102 VOTED to open discussion of enhancing the Burrillville gateway projects by adding signs announcing that Burrillville is the Home of Renegade 154, Second Place Winners of the FIRST Tech Challenge World Championship.

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.

Discussion: Councilor Margaret L. Dudley recommended metal banners to top each of the three chain link gateway signs, at a cost of \$795.00. Councilor Dudley requested that staff from the Department of Public Works install the signs.

VOTED to spend \$795.00 for three signs to be placed on the chain link Welcome to Burrillville signs.

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.

10-115 VOTED to grant a special event entertainment license to The Downtown Pascoag Neighborhood Association for a Block Party to be held on Saturday, June 26, 2010 on property owned by the Town of Burrillville (Assessor's Map 175, Lot 29); and that the \$5.00 license fee be waived.

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.

10-116 VOTED to grant the renewal of Private Detective License #18 to Jennifer Dionne Parkin of Whipple Road, Pascoag.

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.

10-117 VOTED to grant an annual Rubbish License to Waste Haulers, LLC to apply throughout the Town of Burrillville.

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.

10-118 VOTED to grant an annual victualer's license to Juliette Lopez d/b/a Anabell's Ice Cream to apply on property owned by the Town of Burrillville (Assessor's Map 93, Lot 41).

Motion by Councilor Robert A. Bishop. 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.

10-119 VOTED to grant an annual Hawkers & Peddlers license to Juliette Lopez d/b/a Anabell's Ice Cream to apply throughout the Town of Burrillville.

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.

7. Public Hearings: None

8. Unfinished Business: None

9. New Business:

10-120 VOTED to open consideration and action on the First Amendment to the Downtown Pascoag Redevelopment Plan.

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.

Discussion: Michael C. Wood, Town Manager, indicated that the proposal had been forwarded by the Redevelopment Agency. Mr. Wood asked that the Town Council consider the request as an amendment to the ordinance. Timothy F. Kane, Town Solicitor, suggested that the proposal differs from traditional ordinances. Mr. Kane recommended that the Town Council consider allowing him to format the proposal as an ordinance and then schedule first reading at a future Town Council meeting.

VOTED to refer to the Solicitor.

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

Councilor Margaret L. Dudley suggested citing owners of blighted property. The redevelopment process 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.

10-121 VOTED to open the correspondence from John P. Mainville, Finance Director, regarding the awarding of bids for various

equipment, material and services.

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.

Discussion: Michael C. Wood, Town Manager, commented on anticipated grant proceeds which would offset part of the cost of the equipment. Mr. Wood requested that the motions include language to include potential funding.

VOTED to award the bid for a 41,000 lb. GVW Dump Truck with dump body, in-body sander, and plow to Altrui Brothers in the amount of \$126,363; and that any grant and/or third party funds that are received toward the purchase of these items be applied/returned to the original funding source – Capital Improvement Budget.

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.

VOTED to award the bid for a Ford F350 to Tasca Ford Truck Center

in the amount of \$42,399; and that any grant and/or third party funds that are received toward the purchase of these items be applied/returned to the original funding source – Capital Improvement Budget.

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.

VOTED to award the bid for a Street Sweeper to C.N. Wood in the amount of \$153,800; and that any grant and/or third party funds that are received toward the purchase of these items be applied/returned to the original funding source – Capital Improvement Budget.

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.

Discussion: Michael C. Wood, Town Manager, commented that approximately twenty-five percent of the expenditure would be reimbursed under a state program for replacing diesel equipment with more efficient equipment.

10-122 VOTED to refer to the Screening Subcommittee the applications for reappointment from David C. Ketcham for the Budget Board and William J. Peterson, Jr. and Don C. Wolfe for the Sewer Commission.

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.

10-123 VOTED to reappoint James Moran to the Personnel Board for a three-year term to expire March 31, 2013.

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.

10-124 Consider and act on pending legislation:

A. Legislative Status Report

VOTED to receive and file.

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.

B. Other pending legislation

C. VOTED to open consideration and action on a resolution related to potential amendments to §44-34.1, Motor Vehicle and Trailer Excise Tax Elimination Act of 1998.

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, recommended that the Town Council consider supporting the repeal of R.I.G.L. §44-34.1, Motor Vehicle and Trailer Excise Tax Elimination Act of 1998. Mr. Wood suggested that, since the state does not intend to continue reimbursements set out in the law, a complete repeal of the law would give the Town the ability to choose where taxes will be levied to reach a balance between real estate and motor vehicle taxes.

VOTED to adopt a Town Council resolution, as follows:

Burrillville Town Council Resolution

Supporting Repeal of §44-34.1,

Motor Vehicle and Trailer Excise Tax Elimination Act of 1998

WHEREAS, the Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 was designed to phase-out motor vehicle excise taxes; and

WHEREAS, the provisions of the Act include certain components intended to ensure direct benefit to taxpayers, including State Exemptions, a Hold Harmless clause, and the Frozen Tax Rate; and

WHEREAS, the State of Rhode Island appears poised to eliminate the motor vehicle excise tax reimbursement program originally intended to compensate cities and towns for related revenue losses; and

WHEREAS, the Town of Burrillville stands to lose \$2,806,626 in FY2011; and

WHEREAS, failure to collect sufficient revenues will impact the Town's ability to maintain critical public safety services and educational functions; and

WHEREAS, if the reimbursements cease but other provisions of the Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 are not repealed, the several cities and towns will be unable to recoup those revenues; and

WHEREAS, repealing the Act in its entirety is the most straightforward method to avoid unnecessary complications and

restore the cities and towns to their pre-1998 position.

NOW THEREFORE BE IT RESOLVED that, if motor vehicle excise tax reimbursements are to be substantially reduced or eliminated, then we, the Town Council of the Town of Burrillville, do hereby advocate that §44-34.1, Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 be repealed in its entirety to allow the several cities and towns to reestablish an appropriate mechanism for collecting necessary revenues.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, do respectfully request the legislative delegation which represents the Town to support such legislation.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, do hereby entreat the various Rhode Island city and town councils to contact the Governor and their legislative delegations, seeking support of such legislation.

Adopted as a resolution this 12th day of May 2010

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.

10. Town Clerk/Communication:

10-125 Correspondence from Rhode Island town councils and school committees requesting support for their resolutions, as follows:

VOTED to receive and file bills on which the Burrillville Town Council previously has taken a position:

a) Resolutions from Jamestown and Middletown Town Councils in support of returning the America's Cup Races to the City of Newport; and

b) Resolution from the Jamestown Town Council in support of bridge safety; and

c) Resolutions from Bristol Warren Regional, North Smithfield, Scituate and South Kingstown School Committees in opposition to mandatory binding arbitration on monetary matters for teachers; and

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

e) Resolution of the South Kingstown School Committee regarding a funding formula; and

f) Resolution of the Bristol Warren Regional, North Smithfield, Scituate School Committees in opposition to mandatory contract continuation legislation; and

g) Johnston Town Council Resolution on Local Spending

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.

10-126 VOTED to receive and file the correspondence from Connie Leathers, Chair, Parade Committee, inviting the Burrillville Town Council to participate in the Ancients and Horribles Parade and Fourth of July Celebration in Chepachet on Monday, July 5, 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.

10-127 VOTED to receive and file a copy of Town of Burrillville discharge relative to Clocktower Associates, L.P.

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.

10-128 VOTED to receive and file the correspondence from Angelo Liberti, P.E., Chief, Surface Water Protection, Rhode Island Department of Environmental Management, regarding the Burrillville WWTF Compliance Evaluation Inspection, March 2010; and to send a

letter to the Sewer Department for a job well done in meeting the guidelines.

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.

10-129 VOTED to send a letter of thanks and to receive and file the correspondence from Dana J. Gould, Chairman, Burrillville Lions Earth Day Committee, regarding the success of the 2010 Annual Earth Day.

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.

Discussion: Council President Nancy F. Binns commented on the letter from Mr. Gould, and added the Town Council's thanks to the Burrillville Lions' Club, Personnel from the Department of Public Works, Cheri Hall, and the many volunteers who participated in the clean-up effort.

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.

11. Additional Business: None

12. VOTED to adjourn at 7:43 P.M.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk