

REGULAR MEETING of the Burrillville Town Council held Wednesday, October 27, 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 October 13, 2010 and the special meeting of October 20, 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: None

4. General Good and Welfare of the Town of Burrillville

Council President Nancy F. Binns extended condolences to Public Works Director Jeff McCormick and his family on the death of his brother, Kevin McCormick.

Councilor Norman C. Mainville acknowledged Council President Nancy F. Binns for her strong leadership through a Council term with its share of difficult issues and thanked her for a job well done.

Councilor Margaret L. Dudley announced the Friends of the Library book sale scheduled for November 12 and 13, 2010.

Councilor Margaret L. Dudley announced the Friends of the Library silent auction, scheduled for November 13 through 27, 2010.

Councilor Wallace F. Lees commented on the Pumpkin Festival and recognized the hard work of the Downtown Pascoag Neighborhood Association. Pauline Lima, Liz Morin, Karen Taylor and Raymond L. Daignault, III of the DPNA were recognized and the clerk was asked to send a letter of thanks and congratulations to the Association.

Councilor John M. Karmozyn, Jr. noted that the Callahan School students would participate in the Annual Red Ribbon Day parade on October 28, 2010. Council President Nancy F. Binns would receive the banner at the town building.

Councilor John M. Karmozyn, Jr. announced the Burrillville High School Homecoming scheduled for Saturday, October 30, 2010.

Council President Nancy F. Binns and Councilor Norman C. Mainville were wished happy birthdays.

Michael C. Wood, Town Manager, commented on an inaccurate Bargain Buyer advertisement, and discussed the importance of providing correct information.

5. Petitions: None

6. Special Business:

10-243 VOTED to open the correspondence from Councilor Kevin D. Heitke regarding the 2010 Holiday Card Contest.

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: Councilor Kevin D. Heitke described the contest, congratulated all contestants, and announced the winners: First Place - Anthony Simone; Second Place – Frank Beazley; Third Place –

Terry Arnold. Ms. Arnold was presented with a Certificate of Appreciation. A holiday greeting card would be designed based upon the winning entry.

10-244 VOTED to ratify a proclamation honoring Paul Cosetta and Bethany Cosetta, Senior Services 2010 Volunteers of the Year.

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

Discussion: Council President Nancy F. Binns commented on the recognition dinner at which Paul Cosetta and Bethany Cosetta had been honored.

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.

10-245 VOTED to open the application for a Hawkers & Peddlers License from Next Generation Sales & Marketing, 135 Wayland Avenue, Providence to apply throughout the Town of Burrillville.

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.

Discussion: Timothy F. Kane, Town Solicitor, noted that there appeared to be no authority for Next Generation Sales & Marketing to conduct business in the State of Rhode Island. The Town Council raised concerns related to: lack of documentation that Next Generation is an authorized agent of Verizon; the lack of Verizon FIOS service in Burrillville; the fact that mail sent to Next Generation at the address listed on the application had been returned by the post office as undeliverable; and that Next Generation's articles of incorporation, filed with the New Hampshire Secretary of State, appeared to be hand-written.

MOTION to deny the application for a Hawkers & Peddlers License from Next Generation Sales & Marketing, 135 Wayland Avenue, Providence.

Motion by Councilor Margaret L. Dudley.

Discussion: Joe Simonetti identified himself as the Manager of Next Generation in Rhode Island and Massachusetts. Mr. Simonetti testified that Verizon FIOS is currently available in Harrisville and Mapleville; that Next Generation has an agreement with Verizon; and that Next Generation is operating in other Rhode Island communities. Mr. Simonetti indicated that Next Generation could apply for a

Certificate of Authority from the Secretary of State Corporations Division.

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.

10-246 VOTED to grant a special event Entertainment License from Downtown Pascoag & Neighborhood Association for the Victorian Holiday scheduled for November 27, 2010 at Veterans' Park & The Bridgeway (Map 175, Lot 29) on property owned by the Town of Burrillville; and to waive the fee.

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.

7. Public Hearings: None

8. Unfinished Business: None

9. New Business:

10-247 VOTED to receive with regret the correspondence from Aaron J. Coutu, Chairperson, Juvenile Hearing Board, regarding the resignation of Richard Lemoi from the board, to send a letter to Mr. Lemoi, and to refer the vacancy to the Screening Subcommittee.

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.

10-248 VOTED to refer to the Screening Subcommittee the application of Gabrielle Abbate for appointment to the Juvenile Hearing Board.

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.

10-249 Correspondence from Councilor Norman C. Mainville, Chair, Screening Subcommittee, regarding the Subcommittee's recommendations.

VOTED to reappoint Alan Gerew, Alice Lavigne and Juliette Lopez to

the Recreation Commission for three-year terms to expire October 31, 2013.

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.

VOTED to reappoint Michael Gingell to the Burrillville Housing Authority.

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

Discussion: Councilor Margaret L. Dudley noted that the Housing Authority is not a town board and questioned why this appointment is referred to the Screening Subcommittee when an earlier appointment to the Tri-Town Board of Directors had been made without a recommendation from the Screening Subcommittee. The variation 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.

10-250 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding licensing – criminal background checks.

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: The State Police notification relative to prohibiting certain background checks through the local police department was discussed.

VOTED that all new applicants for liquor licenses in the Town of Burrillville must have a criminal background check performed at the Department of Attorney General; and that renewals for liquor licenses for this particular licensing period not require background checks; and that in the future a criminal background check shall be done alphabetically once every three years for each existing liquor license within the Town of Burrillville.

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

VOTED to send a letter to our Representatives and Senator that we object to this particular type of action and that it will infringe upon the individuals in our community as they volunteer.

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.

10-251 VOTED to open the correspondence from Colonel Bernard E. Gannon, Chief of Police, regarding an alcohol compliance survey.

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.

Discussion: Colonel Bernard E. Gannon, Chief of Police, reported that Georges Pizza, Sweet Tomato Pizza and Chum's Liquors had served underage surveyors during a recent compliance survey. The Chief of Police noted that this is a first offense for each and recommended warnings to the businesses. It was noted that the ownership of Sweet

Tomato had changed since the violation.

VOTED to schedule a show cause hearing for Georges Pizza and Chum's Liquors regarding the violation of serving underage.

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.

10-252 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding the part-time animal control officer position.

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.

Discussion: Michael C. Wood, Town Manager, noted that the administration had believed it possible to finance the existing part-time animal control officer position from the department operating budget. It had been determined that the budget was insufficient and the Town Council was asked to consider funding the

position from the General Fund Contingency line item if they wished to maintain the position. Overtime and other costs associated with eliminating the position were reviewed.

VOTED to transfer \$9,500 from the General Fund Contingency Line Item (0100-160-569050) that is included in the 2011 operating budget to the animal control operating budget for the purpose of funding the exiting part-time animal control officer position.

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.

10-253 Correspondence from John P. Mainville, Finance Director regarding his recommendations relative to abatements and additions.

Note: Councilors Margaret L. Dudley and John M. Karmozyn, Jr. recused from discussion and voting on approving abatements for the period covering January 1, 2010 through September 30, 2010.

VOTED to approve the abatements (\$82,072.44) for the period covering January 1, 2010 to September 30, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman

C. Mainville. The motion carried, five in favor, two recusals. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Kevin D. Heitke and Norman C. Mainville. Councilors Margaret L. Dudley and John M. Karmozyn Jr. recused.

VOTED to receive and file the additions (\$18,457.78) for the period covering January 1, 2010 to September 30, 2010.

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.

10-254 VOTED to open the correspondence from John P. Mainville, Finance Director, regarding his recommendations related to annual audit transfers and CIP Carryover.

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.

VOTED that the Town Council authorize the attached listing of

increases/decreases in Budget Appropriations for the respective municipal departments which total \$14,300.

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.

VOTED that the Town Council authorize the appropriation of available Capital Improvement Appropriations from fiscal year ending June 30, 2010 in the amount of \$2,528,844 to the current fiscal year ending June 30, 2011.

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.

VOTED to increase the reserve funds as specified in John Mainville's memo to the Council dated October 19, 2010, via a transfer from the Town's Unreserved Undesignated General Fund Balance totaling \$850,000.

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. Town Clerk/Communication:

10-255 VOTED to receive and file the correspondence from John P. Mainville, Finance Director, regarding the Fitch Credit Rating Agency October 15, 2010 report related to the Town of Burrillville; and to congratulate the Finance Department and the Administration for a job well done.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley.

Discussion: The Town Manager credited this, and past, Town Councils for sound decisions on financial matters.

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.

10-256 VOTED to receive and file the correspondence from Eric A.

Beck, P.E., Rhode Island Department of Environmental Management, regarding Burrillville Police Station (RIPDES No. RIR100719).

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.

11. VOTED that reports #1 – 24 to be received as presented.

- 1. Town Treasurer: Reports of June, July and August 2010**
- 2. Burrillville Sewer Commission: Report of September 2010; meeting of September 14, 2010**
- 3. Tax Collector: Report of September 2010**
- 4. Department of Public Works: Reports of August and September 2010**
- 5. Chief of Police: No reports**
- 6. Office of Building Official: Report of September 2010**
- 7. Animal Control Officer: Report of September 2010**
- 8. Burrillville Housing Authority: Meetings of August 11 and September 8, 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 October 2010**

- 13. Burrillville Conservation Commission: No report**
- 14. Ordinance Subcommittee: No report**
- 15. Redevelopment Agency: Meeting of August 24, 2010**
- 16. B-PAC: No report**
- 17. Personnel Board: Meeting of August 10, 2010**
- 18. Screening Subcommittee: Meeting of September 20, 2010**
- 19. Budget Board: No report**
- 20. Burrillville School Committee: No report**
- 21. Emergency Management Agency: Report of October 19, 2010**
- 22. Public Safety Committee: No report**
- 23. Charter Review Commission: No report**
- 24. Rubbish & Recycling Committee: No report**

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:

10-257 VOTED to grant the request for executive session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [§42-46-5(a)(5)] for discussion and consideration relative to the acquisition, sale or exchange of real property: Assessor's Map 34, Lot 57 and Map 69, Lots 1 and 2; and

pursuant to Rhode Island Open Meeting Law [§42-46-5(a)(2)] for discussion and consideration relative to collective bargaining unit agreements: Council 94

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.

The Town Council returned to open session at 8:27 P.M.

VOTED to seal the minutes of executive session noting that three (3) 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.

VOTED to adjourn at 8:27 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