

REGULAR MEETING of the Burrillville Town Council held Wednesday, April 13, 2011 at 7:00 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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson

MEMBERS ABSENT: None

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

2. MOTION to accept the minutes of the regular meeting held March 23, 2011, the public hearing which commenced on March 23 and was continued to and concluded on March 30, 2011; and the workshop held March 29, 2011 and dispense with the reading of said minutes.

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

VOTED to amend the minutes of the public hearing of Wednesday, March 23rd, continued to the 30th, (by adding the following:

1. Councilor David J. Place stated that he was not opposed to continuing the plan for the railroad project, but that he recommended that the funding be delayed to a further year.

2. Councilor David J. Place requested that Mr. Heitke receive credit for bringing up the point about the grant money.

3. Councilor David J. Place expressed an opinion that the idea that there was no money coming out of the property tax base and going to the bike path and farmers market was inaccurate; and that the in-kind contribution of \$130,00 was taxpayer dollars in the form of salaries, equipment, expenses, material and time.)

The motion to amend the minutes was made 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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

The vote on the main motion was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Councilor Kevin D. Heitke announced a Ten in Sixty session scheduled for 6:30 P.M. on April 20, 2011 at the Jesse M. Smith

Memorial Library.

Councilor Stephen N. Rawson recognized the 150th Anniversary of the Civil War, calling for a moment of silence honoring those who died in service during the war.

Councilor Stephen N. Rawson announced a taxpayers rally scheduled for April 15th at the State House. Councilor Rawson explained that the Tea Party was calling for fiscal conservatism.

Councilor David J. Place announced the Ocean State Power Scholarship application deadline of Thursday, April 28, 2011 at 6:00 P.M.

Councilor David J. Place announced the Easter egg hunt, scheduled for April 16, 2011 at 11:30 A.M. at Branch River Park.

Councilor Margaret L. Dudley commented that applications for summer/seasonal help were being accepted by the Town, noting the April 15, 2011 deadline.

Councilor Margaret L. Dudley announced the 2011 Young Artist Series scheduled for the Jesse M. Smith Memorial Library. The exhibit will be April 29 and 30, 2011.

Councilor Margaret L. Dudley announced a mini silent auction being held at the Jesse M. Smith Memorial Library.

Council President Nancy F. Binns noted that Senator Paul W. Fogarty had requested support for Senate Bill 2011 – S0773, An Act Relating to Towns and Cities – Low and Moderate Income Housing. Council President Binns noted that the request had come too late for the agenda, but that she intended to send a letter of support if there were no objection. She invited Councilors to attend the hearing on April 14, 2011 in State House Room 310 at the Rise of the Senate.

Council President Nancy F. Binns extended congratulations and thanks to Mechanic Robert Eddy and Tax Assessor Raymond Doughty, long time employees who will be leaving town service shortly.

Council President Nancy F. Binns announced a Department of Environmental Management workshop to discuss findings of statewide assessment and schedule for TMDL water quality restoration studies scheduled for April 15, 2011.

5. Petitions: None

6. Special Business:

11-098 VOTED to grant a Victualing License and a Class F Liquor License to St. Joseph Roman Catholic Church for the Springfest Dinner to be held on April 30, 2011 at 181 Sayles Avenue, Pascoag on

property owned by the Rev. Clifford J. Cabral (Map 174, Lot 131).

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

7. Public Hearing:

11-099 Application for transfer to sell beverages under Title 3, Chapter 5 of the General Laws of Rhode Island 1956, and amendments thereto, has been made as follows from Waterfall Café and Bakery , Inc. d/b/a Waterfall Café and Bakery in building owned by Waterfall Realty, LLC, for premises located at 35 East Avenue, Harrisville, (Assessor's Map 160, Lot No. 079) to Waterfall Café, Inc. d/b/a Waterfall Cafe in building owned by Waterfall Realty, LLC, for premises located at 35 East Avenue, Harrisville, (Assessor's Map 160, Lot No. 079).

NOTES:

- Notice of the public hearing was duly advertised in the legal section of the Woonsocket Call on March 30 and April 6, 2011. Notice was sent to all abutting property owners by certified mail, as required by**

law.

- **Councilor Kevin D. Heitke recused from discussion and voting on the application and left the Council table.**

Issuance of licenses is subject to:

- (1) obtaining a certificate of good standing from the State Division of Taxation prior to the date of said transfer, and**
- (2) payment of taxes owed to the Town of Burrillville, and**
- (3) establishment being in compliance with all state and local building and fire codes**
- (4) receipt of copy of certification from the Rhode Island Department of Health**
- (5) proof of Alcohol Server Training**
- (6) certificate of insurance in compliance with §8-28 of the Ordinances of the Town of Burrillville**

A. Comments/Input/Recommendations by the Administration

Michael C. Wood, Town Manager, commented that all business-related matters were acceptable, with the exception of stipulations listed by the town clerk. Mr. Wood acknowledged Guiseppe Calapai for establishing the business and extended best wishes to the new owner.

B. The hearing of all interested parties in regard to the granting of this license. Note: Persons who wish to address the Town Council shall

state their name and address.

Proponents: None

Opponents: None

C. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The motion carried, six in favor, one recusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilor Kevin D. Heitke recused.

D. Town Council Members Comments/Input/Deliberation

Councilors Wallace F. Lees and Edward J. Blanchard spoke in support of the applications.

E. VOTED to transfer a license to sell beverages under Title 3, Chapter 5 of the General Laws of Rhode Island 1956, and amendments thereto from Waterfall Café and Bakery Inc. d/b/a Waterfall Café and Bakery in building owned by Waterfall Realty, LLC, for premises located at 35 East Avenue, Harrisville, (Map 160, Lot 79) to Waterfall Café, Inc. d/b/a Waterfall Cafe in building owned by Waterfall Realty, LLC, for premises located at 35 East Avenue,

Harrisville, (Map 160, Lot 79), subject to the six provisions, if they haven't already been met.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one recusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilor Kevin D. Heitke recused.

F. VOTED to grant a victualing license to Waterfall Café Inc. in a building owned by Waterfall Realty, LLC, for premises located at 35 East Avenue, Harrisville, (Assessor's Map 160, Lot No. 079), subject to the conditions, as specified.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one recusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilor Kevin D. Heitke recused.

G. VOTED to adjourn the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one recusal. Voting in favor of the motion were Council President Nancy F. Binns

and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilor Kevin D. Heitke recused.

Note: Councilor Kevin D. Heitke returned to the Council table.

8. Unfinished Business: None

9. New Business:

11-100 VOTED to open the correspondence from Councilor David J. Place requesting a discussion on Agenda Item 11-079 from the March 23, 2011 regular meeting; a correspondence from Dr. Frank Palotta, Superintendent Burrillville School Department, regarding the School Committee's invitation.

Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees. 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, Edward J. Blanchard, Kevin D. Heitke, David J. Place and Stephen N. Rawson. Councilor Margaret L. Dudley voted in opposition.

Discussion: Councilor David J. Place noted that while the letter received by the Town Council requested the Council President or her designee serve on the negotiating team, the School Committee

minutes indicate that three Councilors would be asked. The matter was discussed.

VOTED to send a letter to the School Department requesting clarification.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-101 VOTED to receive and file the correspondences from Councilor David J. Place requesting the Burrillville Town Council invite Dr. Harvey Waxman to provide a presentation on and discuss his R.I.G.H.T. plan.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley and Kevin D. Heitke. Councilors David J. Place and Stephen N. Rawson voted in opposition.

11-102 VOTED to open the correspondence from Councilor David J. Place requesting an opinion from the administration on the practice and effectiveness of anonymous complaints to initiate zoning or

other non criminal investigations.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The motion carried, four in favor, three opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, David J. Place and Stephen N. Rawson. Councilor Wallace F. Lees, Margaret L. Dudley and Kevin D. Heitke voted in opposition.

Discussion: There was discussion of the practice and effectiveness of anonymous complaints to initiate zoning or other non criminal investigations.

11-103 VOTED to open the correspondence from Thomas J. Kravitz, Town Planner and Economic Development Coordinator, regarding the resignation of James Libby from the Planning Board.

Motion by Councilor Stephen N. Rawson. 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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

MOTION to ask Mr. Libby submit a formal resignation to Council.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor

David J. Place. The motion failed, two in favor, five opposed. Voting in favor of the motion were Councilors David J. Place and Stephen N. Rawson. Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley and Kevin D. Heitke voted in opposition.

VOTED to receive Mr. Libby's resignation with regret, to send him a letter of thanks, and to refer the vacancy to the Screening Subcommittee.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-104 VOTED to refer to the Screening Subcommittee the application of Richard (Rick) Lemek for appointment to the Planning Board; and the recommendation of Jeffrey Partington, Planning Board Chairman.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-105 VOTED to receive and file the correspondence from the United States Department of Commerce, U.S. Census Bureau, regarding the 2010 Census Count Question Resolution Program.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Pending Legislation:

11-106 VOTED to adopt the proposed resolution in support of bills proposed to protect Rhode Island's Cities and Towns and their Public Officials/Employees (2011 – H5643, 2011 – H5670, 2011 – H5674, 2011 – H5686, 2011 – S0640 and 2011 – S0689)

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-107 Correspondence from Michael C. Wood, Town Manager, regarding State Pending Legislation (2011 – H5298, 2011 – S0073, 2011 – H5817).

VOTED to oppose House Bill 5817, to support House Bill 5298 so long as it requires town agreement to bring collective bargaining agreements up-to-date through arbitration; and to support Senate Bill S0073 so long as it requires town agreement to bring collective bargaining agreements up-to-date through arbitration.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

10. Town Clerk/Communication:

11-108 Correspondence from the Town of Gloucester regarding the Gloucester Town Council's request for support of a Gloucester resolution endorsing an amendment to RIGL §16-7-23.

VOTED to support this resolution and advise our legislative delegation that we have done so.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D.

Heitke, David J. Place and Stephen N. Rawson.

11-109 Correspondence from the Town of Jamestown regarding the Jamestown Town Council's request for support of Jamestown Town Council resolutions:

VOTED to support Jamestown Town Council resolution 2011-03 relative to 2011 – H5804 in amendment RIGL §17-11-1.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to support Jamestown Town Council resolution 2011-04 relative to 2011 – H5088 in amendment of RIGL §17-11-1.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-110 Correspondence from the Town of Middletown regarding the Middletown Town Council's request for support of a Middletown

resolution supporting amendments to RIGL §17-18-11.

VOTED to support their resolution.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-111 Correspondence from the Town of North Smithfield regarding the North Smithfield Town Council's request for support of North Smithfield resolutions opposing passage of 2011 – H5961, 2011 – S794, and any other mandatory binding arbitration legislation.

VOTED to support the resolution and notify our legislative delegation that we have done so.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilors Edward J. Blanchard and Kevin D. Heitke voted in opposition.

11-112 VOTED to receive and file the correspondence from the Town

of South Kingstown regarding the South Kingstown Town Council's consideration and action relative to various resolutions provided by the Burrillville Town Council.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-113 Resolution of the Exeter West Greenwich School Committee opposing any and all mandatory binding arbitration legislation proposed in the current legislative session.

VOTED to support the resolution and notify our legislative delegation that we have done so.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilors Edward J. Blanchard and Kevin D. Heitke voted in opposition.

11. Additional New Business:

11-114 Request for executive session from Timothy F. Kane, Town

Solicitor, pursuant to Rhode Island Open Meeting Law: [§42-46-5(a)(2)] for discussion and action related to pending litigation: RICHR #10 RPD 175 – Kevin Blais vs. Town of Burrillville

MOTION to grant.

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

Discussion: Councilor Stephen N. Rawson asked that agenda item 11-115 be moved forward on the agenda.

VOTED to move item 11-115.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Note: The agenda was amended on April 8, 2011 by adding the following item.

11-115 VOTED to open the correspondence from Councilor Stephen N. Rawson regarding reopening of the area below the Harrisville Falls to recreational activities.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: There was discussion of the history, benefits, safety and liability issues associated with fishing and recreational activities at the area below the Harrisville Falls. There was discussion of reopening the area or identifying alternate sites.

VOTED to refer to the Recreation Commission for advisement.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Kevin D. Heitke. 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, Edward J. Blanchard, Kevin D. Heitke, David J. Place and Stephen N. Rawson. Councilor Margaret L. Dudley voted in opposition.

VOTE: The vote on the motion to grant executive session was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

There was a recess before executive session.

The Town Council returned to open session at 8:21 P.M.

VOTED to seal the minutes of executive session, noting that one vote had been taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12. VOTED to adjourn at 8:21 P.M.

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, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk