

**REGULAR MEETING of the Burrillville Town Council held Wednesday, April 27, 2011 at 7:07 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. VOTED that the question of accepting the minutes of the regular meeting held April 13, 2011, be continued to a future meeting.**

**Motion by Councilor Margaret L. Dudley. 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.**

**3. Public Comment**

**Susan Kent, Benedict Road, commented on the Town Council's April 13, 2011 vote to receive and file item 11-101, correspondence 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. Ms. Kent suggested that the matter should have been considered.**

**Susan Kent, Benedict Road, voiced concern about item 11-12 regarding a recommendation that the Town Administration be authorized to seek State approval to exceed the 4.25% cap on tax levy for FYE2012. Ms. Kent said that there is a need to address spending issues. Michael C. Wood, Town Manager, indicated that the matter would be fully discussed when the item came up later in the meeting.**

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

**Councilor Margaret L. Dudley explained that Dr. Waxman's proposal had been thoroughly discussed at the March 9, 2011 meeting.**

**Councilor Margaret L. Dudley announced the Youth Art Show scheduled for April 29 and 30, 2011 at the Jesse M. Smith Memorial Library.**

**Councilor Margaret L. Dudley announced the unveiling of the Mill on the Clear River mural scheduled for April 30, 2011 at the Jesse M. Smith Memorial Library.**

**Councilor Edward J. Blanchard announced the Lions' Scholarship**

**Breakfast scheduled for May 15, 2011.**

**Councilor Edward J. Blanchard announced the Cemetery Earth Day cleanup scheduled for May 7, 2011.**

**Council President Nancy F. Binns commended the Lions' Club, the Department of Public Works, the Parks and Recreation Department, and all sponsors and volunteers for the 2011 Earth Day event.**

**5. Petitions: None**

**6. Special Business:**

**11-116 VOTED to grant Pascoag Fire Department Annual Awards.**

**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.**

**Awards were as follows:**

**5 Years of Service: George Rua and Mike Letoile**

**10 Years of Service: Jason Lemaire and Alan Russell**

**15 Years of Service: John DeFusco and Richard Peck Jr.**

**20 Years of Service: Kevin Stockwell**

**Fire Fighter of the Year Hose 1: Tom Walker**

**Fire Fighter of the Year Hose 2: James Ogram**

**EMT of the Year Hose 1: Mike Letoile**

**11-117 VOTED to grant an annual arcade license to John J. Bateman d/b/a Spring Lake Arcade to apply at 52 Old Hillside Drive, Glendale (Map 93, Lot 41) on property owned by the Town of Burrillville.**

**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.**

**7. Public Hearings: None**

**8. Unfinished Business: None**

**9. New Business:**

**11-118 VOTED to open the correspondence from Dr. Frank Pallotta, Superintendent, Burrillville School Department, regarding his invitation for two Council members to serve on the Burrillville School District team relative to the School Department's Strategic Plan.**

**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.**

**VOTED to name Nancy Binns and David Place to be on the School Department Strategic Plan Team.**

**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.**

**11-119 Correspondence from Aaron J. Coutu, Chair, Juvenile Hearing Board, regarding the resignation of Kathleen Thibault from the Board.**

**VOTED to receive with regret, to send a letter of thanks, and to refer 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.**

**11-120 Correspondence from Wallace F. Auclair regarding his resignation from the Burrillville Sewer Commission.**

**VOTED to receive with regret, to send a letter of thanks, and to refer to the Screening Subcommittee.**

**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.**

**11-121 VOTED to refer to the Screening Subcommittee the application for reappointment to the Sewer Commission from Irene P. Smith.**

**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.**

**11-122 Correspondence from Councilor Wallace F. Lees, Chair, Screening Subcommittee, regarding the Subcommittee's recommendations.**

**VOTED to reappoint Roger Remillard to the Juvenile Hearing Board**

**for a three-year term to expire January 31, 2014.**

**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.**

**VOTED to reappoint Charlotte Gabrielson to the Personnel Board as an alternate for a one-year term to expire January 31, 2012.**

**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.**

**VOTED to reappoint Valerie Ann Leduc to the Personnel Board for a three-year term to expire March 31, 2014.**

**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.**

**VOTED to reappoint Leo Felice to the Planning Board for a three-year term to expire February 28, 2014.**

**Motion by Councilor Kevin D. Heitke. 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.**

**VOTED to appoint Dov Pick to the Planning Board for a three-year term to expire March 31, 2014.**

**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.**

**VOTED to reappoint Kevin Cleary to the Conservation Commission for a three-year term to expire March 31, 2014.**

**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.**

**VOTED to reappoint Edmund Varin to the Zoning Board of Review as an alternate for a one-year term to expire March 31, 2012.**

**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.**

**VOTED to reappoint Sandra Cooney to the Zoning Board of Review as an alternate for a one-year term to expire March 31, 2012.**

**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.**

**11-123 VOTED to receive and file the correspondence from Rhode Island Department of Environmental Management regarding Arbor Day 2011.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Edward J. Blanchard.**

**Discussion: Councilor Stephen N. Rawson announced plans of the Conservation Commission to plant a tree at the Callahan School on April 30, 2011 in commemoration of Arbor Day 2011.**

**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.**

**11-124 VOTED to open the correspondence from Councilor Edward J. Blanchard regarding A) the bullying task force and B) Walk the Walk to stop bullying in RI.**

**Motion by Councilor Edward J. Blanchard. 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.**

**Discussion: Councilor Edward J. Blanchard discussed his recent training, the anti-bullying presentation scheduled for the schools and reported on other activities conducted by the anti-bullying task force. Councilor Blanchard discussed the Walk the Walk fundraiser scheduled for May 21, 2011 and sponsored by the task force.**

**11-125 Correspondence from Councilor Stephen N. Rawson**

regarding:

**A. VOTED to open a request of Solicitor Kane for legal opinion on my concern that the Town Council may be in violation of Charter provision 19.05 as it may pertain to the Council appointed Ordinance Sub-Committee.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. 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: Councilor Stephen N. Rawson asked for the Solicitor's opinion of whether the Ordinance Subcommittee membership violated §19.05 of the Town Charter, which states: The members of any board, commission or agency appointed by the Town Council shall not be composed entirely of members of the same political party. Timothy F. Kane, Town Solicitor, explained his opinion that the provision does not apply to the subcommittees of the Town Council. The matter was discussed.**

**B. VOTED to open a request of Solicitor Kane for opinion on the referral of suggested Zoning change protocols. Based on, but not limited to, section 17-6 (5)(a) and 17-6 (6) under Powers and Duties of the Planning Board.**

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

**Discussion: Councilor Stephen N. Rawson asked for the Solicitor's opinion on whether proposed zoning ordinances, such as his recommendation to allow for laying hens, were improperly referred to the Ordinance Subcommittee rather than properly referred to the Planning Board. Timothy F. Kane, Town Solicitor, explained his opinion that the Ordinance Subcommittee process is not inconsistent with the Planning Board process. The matter was discussed.**

**C. VOTED to open a request of Solicitor Kane for opinion of, section 10-8.5, of the Subdivision & Development Plan Review Regulations, in the paragraph at the bottom of Pg. 38 as it refers to the "Recreation Capital Account" and to whom the authority of expenditures from that account rests?**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. 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, Margaret L. Dudley, David J.**

**Place and Stephen N. Rawson. Councilor Kevin D. Heitke voted in opposition.**

**Councilor Stephen N. Rawson asked for the Solicitor' opinion on who has authority over expenditures from the Recreation Capital Account. Timothy F. Kane, Town Solicitor, explained his opinion that appropriating authority is always with the Town Council and described the process. The matter was discussed.**

**11-126 VOTED to open the correspondence from John P. Mainville, Finance Director, regarding a recommendation that the Town Administration be authorized to seek State approval to exceed the 4.25% cap on tax levy for FYE2012.**

**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.**

**Discussion: The procedure for exceeding the cap was detailed. There was discussion of the effect of the end of the TransCanada payment in lieu of taxes, the impact of including TransCanada on the tax role, current economic situation and the need to preserve decision-making ability by establishing options. There was apparent concurrence that it would be necessary to seek approval to exceed the cap if the**

**change in TransCanada revenue was the reason.**

**VOTED that the Town Administration be authorized to seek State approval to exceed the 4.25% cap on tax levy for FYE2012.**

**Note: An affirmative vote of six members is required for the motion to be adopted.**

**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.**

### **Pending Legislation**

**11-127 VOTED to support Senate Bill 2011 – S0773 An Act Relating to Towns and Cities – Low and Moderate Income Housing**

**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.**

**11-128 VOTED to open 2011 – H 5702 An Act Relating to Towns and**

## **Cities – Labor – Injured on Duty 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.**

**Discussion: There was discussion of RIGL §45-19-1, Salary payment during line of duty illness or injury, which puts financial responsibility on municipalities when an emergency worker is injured while off duty. The Town Council reviewed the purpose of the legislation and noted that The Rhode Island Interlocal Trust supported it.**

**VOTED to send out support for this bill.**

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

**11-128A Other pending legislation: None**

**10. Town Clerk/Communication:**

**11-129 VOTED to receive and file the correspondence from Rhode Island Department of Environmental Management regarding the Burrillville Waste Water Treatment Facility (WWTF) March 2011 Compliance Evaluation Inspection.**

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

**MOTION AMENDED by adding: and to send a letter of thanks to the Sewer Commission for job well done.**

**Amendment by Councilor Margaret L. Dudley. The vote on the motion, as amended, 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.**

**11-130 VOTED to receive and file a copy of correspondence from Timothy F. Kane, Esq., Solicitor, Town of Burrillville to Cynthia Hiatt, Commission for Human Rights, regarding RICHR#10 RPD 175, Kevin Blais v. Town of Burrillville.**

**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.**

**11-131 Consider and act on requests from the several communities for support of their resolutions, as follows:**

**A. Jamestown and Newport Town Councils, and Smithfield School Committee, Resolutions opposing 2011 – H5961, An Act Relating to Labor Relations – School Employee Arbitration**

**B. Foster-Glocester Regional School Committee, Resolution opposing Contract Continuation**

**C. Jamestown and Portsmouth Town Councils, Resolutions supporting Legislation – Amendments to §16-7-44, School Housing Projects Costs**

**D. Portsmouth Town Council, Resolution supporting Legislative Amendments to protect Rhode Island's Cities and Towns and their Public Officials/Employees**

**E. Jamestown and Little Compton Town Councils, Resolutions in Support of the Legislative Initiative to Amend RIGL §17-11-1, An Act Relating to Elections – Voting Districts and Officials.**

**VOTED to support these resolutions 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.**

**11-132 VOTED to receive and file the copy of correspondence from U.S. Department of Transportation to Thomas J. Kravitz regarding the Finding of No Adverse Effect in relation to the rehabilitation of Pascoag Bridge No. 1908.**

**Motion by Councilor David J. Place. 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. VOTED to receive reports #1 through 23:**

- 1. Town Treasurer: No report**
- 2. Burrillville Sewer Commission: Report of March 2011; meeting of March 8, 2011**
- 3. Tax Collector: Report of March 2011**
- 4. Department of Public Works: Report of March 2011**
- 5. Chief of Police: No report**
- 6. Office of Building Official: Report of March 2011**
- 7. Animal Control Officer: Report of March 2011**
- 8. Burrillville Housing Authority: Meeting of March 9, 2011**
- 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: April 2011**
- 13. Burrillville Conservation Commission: No report**
- 14. Ordinance Subcommittee: No report**
- 15. Redevelopment Agency: Meetings of February 22, 2011**
- 16. B-PAC: No report**
- 17. Personnel Board: No report**
- 18. Screening Subcommittee: Meeting of February 22, 2011**
- 19. Budget Board: Meeting of March 3, 2011**
- 20. Burrillville School Committee: Meetings of December 14, 2010, January 11 & 20, and February 6, 2011**
- 21. Emergency Management Agency: No report**
- 22. Public Safety Committee: No report**
- 23. Rubbish & Recycling Committee: No report**

**Motion by Councilor Wallace F. Lees. 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.**

**12. Additional New Business: None**

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

**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.**

**The meeting was recorded.**

**Louise R. Phaneuf, Town Clerk**