

REGULAR MEETING of the Burrillville Town Council held Wednesday, August 24, 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, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson

MEMBERS ABSENT: Councilor Edward J. Blanchard was absent. Councilor David J. Place was excused.

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

2. VOTED to accept the minutes of the regular meeting held July 27, 2011 and dispense with the reading of said minutes.

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

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Council President Nancy F. Binns congratulated Lieutenant Dennis Leahey for having received a 2010-2011 Heroes Among Us award from the Boston Celtics and the Massachusetts State Lottery. The award related to Lieutenant Leahey's actions in reviving an ill patron at a January Celtics game.

Michael C. Wood, Town Manager, commented on the season-end festivities at the Extended Care Division and recognized and thanked Cheri R. Hall, Director of Parks & Recreation, and the staff of the Division.

5. Petitions:

11-216 VOTED to open the petition from Concerned Citizens of Mill Pond Village regarding their recommendation that a portion of Pinewood Lane be paved.

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

Bert Cournoyer, 15 Mill Pond Road, explained the problems associated with dust and wash-out from Pinewood Lane, a road adjacent to Mill Pond Road. Mr. Cournoyer asked that the Town Council consider paving all or part of Pinewood Lane. Michael C. Wood, Town Manager, commented on the limitations to the work that the town could accomplish at Pinewood Lane because it is not a town road. Mr. Wood noted that the homeowners' association is responsible for the road. Timothy F. Kane, Town Solicitor, reviewed the three methods that the town can use to accept roads, explaining his opinion that "given the facts of this matter, the primary legal mechanism to bring Pinewood Road into the Town Road system is by virtue of the procedure set forth in RI Gen Laws 24-2-8.4". A copy of the full legal opinion is on file with the record of the minutes. There was general discussion of the matter.

VOTED to send the petition of the Concerned Citizens of Mill Pond Village to the Manager, and to have him bring it back to the Town Council when there's more information that he could give us as to a possible solution.

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

6. Special Business:

11-217 VOTED to open the recognition of 2011 Burrillville All Star Softball Team for winning the 2011 Rhode Island Fast-Pitch Senior League Championship.

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

Discussion: Team members Alex Beland, Emily Bussell, Kasey Desrosiers, Marissa Fernandez, Mikayla Fernandez, Catherine Keable, Lauren Lamontagne, Tori Libby, Alex Leclair, Alyssa Lemire, Samantha Liberty, Samantha Moriarty and Chelsea Parkhurst and Coaches Tory Vincoli and Johnny Fernandez and Manager Dave Vincoli were congratulated. Trophies, jackets, and citations were conveyed to the players.

11-218 VOTED to open the presentation by Michelle Losardo, M. Ed, Facilitator of the Paw Prints of Hope Education Program sponsored by the Burrillville Parks & Recreation Department.

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

Discussion: Michelle Losardo presented the Town Council with a Quilt of Hope Project donated by the Paw Prints of Hope students, to be displayed at the Town Building. Ms. Losardo explained the pet education program.

11-219 VOTED to grant a One-Day Liquor License to Nasonville Volunteer Fire Department to apply at 2577 Victory Highway, Nasonville (Map 114, Lot 32) on September 18, 2011 for a Chowder and Clam Cake Fundraiser.

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

11-220 VOTED to grant a One-Day Liquor License and a Special Event

Victualing License Application to Oakland Mapleville Fire Department to apply at The Oakland Triangle (Map 179, Lot 125 and Map 162, Lot 40) on September 4, 2011 (rain date September 5, 2011) for the Firemen's Muster and Field Day.

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

11-221 VOTED to open the application from Alejandro Arteaga, President, Palagis Ice Cream for an annual Hawkers & Peddlers License to apply throughout the Town of Burrillville.

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

Discussion: It was noted that the applicant was not present, Palagis Ice Cream had been granted a hawkers & peddlers license in 2010, and that there had been no complaints against the company.

VOTED to grant.

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

Public Hearings:

11-222 Relative to proposed amendments to the Revised General Ordinances of the Town of Burrillville, Chapter 26, Traffic and Vehicles, as follows:

1) §26-30 Overnight parking, to apply at Chapel Street and Harrisville Main Street between East Avenue and the Town Building parking lot; and

2) §26-33 Time limit parking to apply at Chapel Street and Harrisville Main Street between East Avenue and the Town Building parking lot; and

3) §26-35 Stop Signs, adding a stop sign at Route 102 and Old Nasonville Road;

4) §26-40 limiting parking to passenger vehicles from the corner of Chapel Street (Pole 10) to the Town Building parking lot.

NOTE: Notice of the Public Hearing was duly advertised in the Legal

Section of the Woonsocket Call on August 19, 2011.

A. Comments/Input/Recommendations by the Administration

Michael C. Wood, Town Manager, said that a stop sign at Route 102 and Old Nasonville Road is necessary.

Michael C. Wood, Town Manager, commented on proposed ordinances related to Harrisville Main Street and Chapel Street near the town building. The addition of §26-40 was intended to prevent trucks from blocking drivers view of on-coming traffic. The changes to §§26-33 and 26-35 were intended to restrict parking and allow access to the town building and town hall annex. Delivery truck traffic was discussed. The administration recommended adoption of the four ordinances.

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

D. Town Council Members Comments/Input/Deliberation

There was discussion of whether a 30 minute time limit would suffice for town hall business. It was noted that the 30 minute limit would be in force until 6:00 P.M. and people attending evening meetings would not be affected.

E. Consider and take action on proposed amendments.

1. VOTED to adopt, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles, Article II. Parking, Stopping and Standing, is hereby amended by adding the following:

Sec. 26-30. Overnight parking prohibited.

(2) No person shall park a vehicle overnight on any of the following streets during the hours listed:

Street Side Hours Location

Chapel Street north between the hours of 11:00 p.m. and 8:00 a.m. On the northerly side of Chapel Street from pole #10 at the intersection of Harrisville Main St. in a westerly direction to the town building parking lot driveway

Harrisville Main Street east between the hours of 11:00 p.m. and 8:00 a.m. On the easterly side of Harrisville Main Street from the intersection of East Avenue and Harrisville Main Street to Pole #10 at the intersection of Harrisville Main Street and Chapel Street

This ordinance will take effect ten (10) days after passage.

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

2. VOTED to adopt, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles, Article II. Parking, Stopping and Standing, is hereby amended by adding the following:

Sec. 26-33. Time limit parking schedule.

No person shall park a vehicle for longer than the time limit specified on any of the following streets or parts of streets:

Street Side Time Limit Hours Location

Chapel Street north 30 minutes 8:00 a.m. to 6:00 p.m. On the northerly side of Chapel Street from pole #10 at the intersection of Harrisville Main St. in a westerly direction to the town building parking lot driveway

Harrisville Main Street east 30 minutes 8:00 a.m. to 6:00 p.m. On the easterly side of Harrisville Main Street from the intersection of East Avenue and Harrisville Main Street to Pole #10 at the intersection of Harrisville Main Street and Chapel Street

This ordinance will take effect ten (10) days after passage.

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

3. VOTED to adopt, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles, Article II. Parking, Stopping and Standing, is hereby amended by adding the following:

Sec. 26-35. Stop signs.

(b) Designated streets. It shall be illegal to enter into the following streets without coming to a complete stop prior to entering.

(18) Route 102 at the intersection of Old Nasonville Road

This ordinance will take effect ten (10) days after passage.

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

4. VOTED to adopt, as follows:

The Town Council of the Town of Burrillville hereby ordains as

follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles, Article II. Parking, Stopping and Standing, is hereby amended by adding the following:

Sec. 26-40. Parking restrictions; passenger vehicles

(1) Definitions

Passenger vehicle, means a car, truck or van primarily used for passengers

Parking limited to passenger vehicles.

No person shall park a vehicle other than a passenger vehicle, on any of the following streets or parts of streets.

Street Side Location

Chapel Street north On the northerly side of Chapel Street from pole #10 at the intersection of Harrisville Main St. in a westerly direction to the town building parking lot driveway

This ordinance will take effect ten (10) days after passage.

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

F. VOTED to adjourn the public hearing

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

Public Hearings (continued):

11-223 Relative to proposed amendments to the Revised General Ordinances of the Town of Burrillville, Chapter 16, Offenses and Miscellaneous Provisions, by adding Article IV. Alarm Systems.

NOTE: Notice of the Public Hearing was duly advertised in the Legal Section of the Woonsocket

Call on August 19, 2011.

A. Comments/Input/Recommendations by the Administration

Michael C. Wood, Town Manager, noted that the Town Council had included this item on their Goals & Objectives. Mr. Wood explained the intent of the ordinance and asked Colonel Bernard E. Gannong,

Chief of Police, to elaborate. Colonel Gannon discussed the need to prioritize legitimate calls and reduce the number of needless alarms. Colonel Gannon commented on wasted staff time and expense on false alarms. There was discussion of notice to the public, effective date, cost of registration, the methodology of prioritizing emergency calls and the suitability of maintaining a registry.

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.

(1) Proponents: none

(2) Opponents: none

C. VOTED to close the public hearing.

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

D. Town Council Members Comments/Input/Deliberation

Councilor Kevin D. Heitke summarized the concerns related to false alarms and supported adoption of the ordinance. Council President Nancy F. Binns supported the ordinance as a planning tool for the police department. Councilor Wallace F. Lees questioned the registration fee, which was discussed.

E. VOTED to adopt the proposed amendments to the Revised General Ordinances of the Town of Burrillville, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 16 entitled Offenses and Miscellaneous Provisions, is hereby amended by adding the following:

Article IV. Alarm Systems

Sec. 16-91. Purpose.

The purpose of this ordinance is to set standards for the use of alarm systems in the Town of Burrillville, to protect the police and other emergency services from misuse, and to protect the health, welfare, and safety of the general public. This chapter is intended to ease the potential of a police officer or citizen being injured during responses to false alarms as well as to promote the responsible use of alarm systems.

Sec. 16-92. Applicability to systems summoning police.

The provisions of this ordinance shall apply to any person, business, or corporation within the Town of Burrillville who uses, operates, or owns any alarm system that summons the police department in response to an alarm signal.

Sec. 16-93. Definitions.

As used in this ordinance, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Alarm business Any business that installs, maintains, monitors, alters, repairs, replaces, or services alarm systems located within the Town of Burrillville.

Alarm system An assembly of equipment and devices (or a single device) designed to detect and signal an unauthorized intrusion, presence of a hazard, or other type of emergency to which the police are expected to immediately respond. The term also includes any device which, when activated, transmits a signal to police headquarters, transmits a signal to a person who relays the information to police headquarters, or produces an audible or visible signal to which the police department is expected to respond. The term also includes any fire alarm systems and alarm systems which monitor temperature, humidity, or any other condition which is not related directly to an unauthorized intrusion are not included in this ordinance.

Alarm user The owner, occupant, lessee, or agent of any premises in which an alarm is used or provided, who expressly accepts

responsibility for an alarm device by registration with the Burrillville Police Department shall be deemed the alarm user.

Audible/visual alarm (a/k/a local alarm) Any device designated for the protection of unauthorized entry on premises thereon, which device generates an external audible sound or flashing light (or both) when it is activated. In addition, the decibel level of audible alarms shall follow the Burrillville Town Ordinance to which it applies.

Automatic dial alarm A telephone device or attachment that mechanically or electronically solicits a telephone call to police headquarters and produces a pre-recorded voice message to report a criminal act or other emergency requiring a police response.

Burglar alarm An alarm system which signals an entry or attempted entry to an area protected by the alarm system.

Central station call center A place of business to which remote alarm devices transmit signals where operators monitor said signals and relay the information to the Burrillville Police Department.

Direct line alarm An alarm device which is connected to an alarm panel within the communications center of the Burrillville Police Department which electronically activates a signal soliciting an emergency response.

Emergency An occasion threatening the security of life and/or property, which reasonably calls for a response by the police department. A response due to failure of the alarm system or due to personal error is not considered an emergency.

Holdup alarm An automatic alarm signaling a robbery or attempted robbery.

False alarm Any alarm activation which is responded to and found by police to have been caused by anything other than a legitimate breach of the security system shall be deemed a false alarm. Some examples include alarms accidentally set off by owner (or other individuals authorized by the alarm user to have access to the premises) and not canceled in a timely manner, unsecured animals in the house, and doors or windows left unsecured. Excluded from this provision will be alarms caused by thunder storms, power outages, and other acts of nature where multiple alarms in the area are affected.

Keyholder The individual(s) designated by the alarm user to respond to the premises of the alarm when notified by the police and/or the central station.

Manual holdup alarm An alarm system whose signal transmission is initiated by a person inside the alarmed premises or an observer to the action which requires police.

Police Chief The Chief of Police of the Town of Burrillville or his designated agent.

Sec. 16-94. Alarm registration.

Each alarm user who plans to transmit signals to the Burrillville Police Department, whether via a central station, local alarm, automatic dial, or direct line, must register with the police department under the following guidelines:

(a) The alarm user shall complete an alarm registration form provided by the Burrillville Police Department (and also made available on the Department's website) within ten business days of the system

installation, or the transfer of an alarmed premises to a new owner/lessee. All information on the form shall be completed, including the type of alarm, location, keyholder information, and other pertinent facts. Any and all changes to the alarm registration information must be provided to the Burrillville Police Department in writing within ten business days.

(b) Residents and businesses within the Town of Burrillville who are already using any alarm system shall register these existing systems with the police department within 10 business days of the effective date of this ordinance.

(c) There shall be a one-time registration fee of \$10.00 for each alarm system registered and this fee is payable at the time of registration.

(d) Any existing alarm system within the Town of Burrillville that is already registered (meaning that complete information has been entered into a site file at the police department communications center) will be considered grandfathered and no registration fee shall apply. However, alarm users who have previously registered shall still be required to fill out the new registration form as it may require information that was not previously provided. No registration fee shall be required to re-register an alarm system.

(e) Alarm registrations are not transferable.

(f) If a residential alarm user is over the age of 65, is blind, deaf, or otherwise physically handicapped (to the extent that his or her mobility is substantially limited), in addition to being a primary resident of the dwelling, and assuring that no business is conducted out of the residence, then the registration fee shall be waived by the

Chief of Police.

Sec. 16-95. Automatic telephone dialers.

Automatic telephone dialers shall be allowed to dial the Burrillville Police Department a maximum of two (2) times for any single activation of the alarm system. They may also dial a keyholder and/or a central station who will then notify the Burrillville Police.

Specifically:

(a) The length of time for the delivery of the first emergency recorded message shall not exceed one minute. The time lapse for the delivery of the second message shall be in the range of one to two minutes later.

(b) The content of the recorded message must be intelligible, concise, and in a format that is appropriate to the nature of the alarm. The address must be clearly stated and very specific. An example of an appropriate recorded message would be: "The burglar alarm system has been activated at the James Smith Residence, 56 Maple Street in Harrisville. That is five-six Maple Street in Harrisville. Please send police. Again, the second burglar alarm system has been activated at the Smith residence, 56 (FIVE SIX) Maple Street in Harrisville. Please send police."

(c) No recorded message shall be delivered to the police department more than twice as the result of single stimulation or activation of the alarm system.

Sec. 16-96. Audible and local alarms.

Unless required by law, no alarm device which produces an exterior audible signal shall be installed unless its operation is automatically

restricted to a maximum of 15 minutes. In addition, it is unlawful for any person to use, or cause to be used, or to install a local or audible alarm system which, upon activation, emits a sound similar to that emitted by sirens on emergency vehicles. The decibel volume of any audible alarms shall be in accordance with the Town of Burrillville Noise Ordinance.

Sec. 16-97. Direct line alarms.

(a) Only financial institutions and government agencies (local, state, or federal) shall be permitted to connect alarm systems directly to the communications center of the police department. Any and all costs incurred with the installation and maintenance of these alarms shall be the sole responsibility of the institution or agency. Any non-applicable alarms that were connected prior to this enactment shall be disconnected by the alarm user or the respective alarm company no later than March 1, 2012.

(b) This ordinance does not prohibit fire alarm systems which are deemed necessary by the Burrillville fire departments to be established as direct line alarms at the Burrillville Police Department.

Sec. 16-98. Testing of alarm systems.

No alarm system will be demonstrated or tested to merely determine the speed or type of police response. An alarm user or company must notify the police department prior to any service, testing, repair or adjustment of an alarm system. Likewise, the alarm user must notify police immediately upon completion of these tasks.

Sec. 16-99. House and building numbers.

All buildings with registered alarm devices shall be required to

display the proper house/ building/ apartment number as outlined:

(a) Where the structure is within 50 feet of the edge of the roadway, the number shall be displayed on the front of the structure in the vicinity of the front door or entryway.

(b) Where the structure is over 50 feet from the edge of the roadway, the assigned number shall be displayed on the structure as well as on a post, fence, wall, or mailbox at the property line, adjacent to the walk or access road to the structure.

(c) Numbers must be easily visible from the street and should be a minimum of 2 inches in height and displayed with a color which is contrasting to the background. Numbers which are illuminated or those made out of reflective material are the most easily visible to police.

Sec. 16-100. Smoke detectors or fire alarms.

Nothing in this ordinance shall be deemed to prohibit the installation and use of smoke detectors, carbon monoxide detectors, or fire alarms designed for internal use for the protection, safety, and well-being of the occupants of any building within the Town of Burrillville.

Sec. 16-101. Confidentiality of information.

All statements and information relating to the installation and location of an alarm system given to the Chief of Police or his designee shall be maintained in strict confidence within the police department and may be made public only when required in a court action resulting from a violation of any provision of this chapter or by a court of the appropriate jurisdiction.

Sec. 16-102. Violations and penalties.

Any and all violations of this ordinance shall fall under the jurisdiction of the Burrillville Municipal Court. For violations requiring hearing, fines may be imposed up to the amount of \$500, as may be amended, (Burrillville Town Ordinance §11-5) and/or revocation of the alarm registration of the user. Charges heard before the Municipal Court are also subject to applicable court costs (Burrillville Town Ordinance §11-5). Specific penalties and fines for violations of this ordinance are as follows:

(a) Failure to register an alarm system or failure to give notice of changes in registration information, as set forth in the Alarm Registration section of this ordinance, will be first given a written notice to register the alarm within 10 business days. Failure to do so or any subsequent violation by the same alarm user will result in a summons to appear in court.

(b) Failure of a keyholder to respond to the premises of an alarm within 30 minutes when summoned by a police department official (or by their own alarm monitoring agency at the request of the police) shall result in a written warning for the first offense. Any subsequent violation will result in a summons to appear in court.

(c) Failure of an automatic dial alarm to provide the information outlined in said section of this ordinance, or any telephone dialer set to call the Burrillville Police Department more than two times per alarm, shall result in a written warning for the first offense. Any subsequent violation will result in a summons to appear in court.

(d) Failure of a local alarm siren or bell to reset or shut off after the

maximum 15 minutes as mandated by this ordinance shall result in a written warning for the first offense. Any subsequent violation will result in a summons to appear in court. Any violation of the decibel level of audible alarms shall fall under the Burrillville Noise Ordinance.

(e) After responding to two (2) false alarms at any given alarmed location within a two-calendar-year period, a written warning will be given to the alarm user granting a 10-business-day grace period to correct the problem. If, after the grace period, there are any subsequent false alarms, the alarm user shall be fined \$100.00 for the first offense and \$ 200.00 for the second offense. Any additional offenses within the two-year period shall result in an automatic summons to appear before the Burrillville Municipal Court for a hearing.

Sec. 16-103. Appeals.

All appeals for fines, penalties, reviews, and revocations made by the Burrillville Municipal Court regarding this alarm system ordinance may be appealed to the Rhode Island Superior Court (Burrillville Town Ordinance 11-6 and Rhode Island General Law 45-24-3.1) Information regarding the appeals procedure as set forth by the Superior Court shall be made available upon request.

Sec. 16-104. Disclaimer of liability.

Notwithstanding the provisions of this ordinance, the Town, its departments, officers, agents, and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facility.

No liability whatsoever is assumed for the failure of alarm devices or monitoring facilities or for the failure to respond to alarms or for any reason in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents, and employees from liability in connection with said alarm user's alarm system and/or monitoring service.

This ordinance shall become effective January 1, 2012

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

F. VOTED to adjourn the public hearing.

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

7. Unfinished Business:

11-172 VOTED to adopt a resolution authorizing the funding for curriculum development for FYE June 30, 2012, as follows:

Burrillville Town Council

Resolution

Authorizing the Funding for

Curriculum Development for FYE June 30, 2012

The Finance Director is hereby authorized to fund a Curriculum Development Program in the Town's Restricted Fund for the benefit of the School Department in the amount of \$206,000.

(1) Purpose: This Fund is established to allow the School Department to segregate funds received and expended for Curriculum Development.

(2) Receipts: Funding for the Curriculum Development Program will be from the following resources:

- a. FYE 2011 Balance in the Curriculum account \$ 50,000 (Transfer)**
- b. Appropriation from the Town's undesignated, unreserved fund balance 50,000 (Previously approved)**
- c. Appropriation from the School Department's undesignated, unreserved fund balance 106,000 (New appropriation)**

Total \$206,000

NOTE: This recommendation (Item 2.a) requires the affirmative votes from at least six (6) members of the Town Council because this involves the appropriation of funding from the Town's Undesignated, Unreserved Fund Balance. Also Item 2.b was previously approved by the Town Council at the May 25, 2011 meeting

(3) Disbursements: Money shall be disbursed from the Fund upon receipt by the Treasurer's Office of properly documented vouchers from the School Department.

(4) Operating Procedures: The Finance Director or his designee may establish procedures to govern the operation of the Fund.

(5) Unexpended Funds: All funds not expended from the Fund shall lapse on June 30, 2012 and be returned to the Town's General Fund.

(6) Expiration Date: The School Curriculum account authorization will expire June 30, 2012, unless extended by resolution of the Town Council.

Note: This resolution confirms the votes passed at the July 27, 2011 regular meeting.

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

was absent. Councilor David J. Place was excused.

8. New Business:

11-224 VOTED to open discussion of authorization of signature of a Memorandum of Agreement between the Town of Burrillville and the Pascoag Utility District relative to potential for generating and marketing hydro power.

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

Discussion: Councilor Wallace F. Lees recused from discussion and action on item #11-224 because he is a Commissioner of Pascoag Utility District.

VOTED to authorize the signature of a memorandum of Agreement between the Town of Burrillville and the Pascoag Utility District relative to potential for generating and marketing hydro power.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heite.

Discussion: Councilor Stephen N. Rawson commented on the negotiations and years of work involved in this proposal and explained the agreement and the benefits of hydro power. Michael C. Wood, Town Manager, reviewed the agreement, thanking Councilor Rawson and the Utility District for their efforts and cooperation in this program.

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

11-225 First reading of an ordinance amending the revised general ordinances, Town of Burrillville, RI, 2004, Chapter 26, entitled Traffic and Vehicles, Article II. Parking, Stopping and Standing, by adding portions of Sayles Avenue to Sec. 26-32. No parking schedule of streets; scheduling of a public hearing.

VOTED to schedule the public hearing at the call of the chair.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy

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

11-226 Correspondence from Councilor Wallace F. Lees, Chair, Screening Subcommittee, regarding the Subcommittee's recommendations.

1. VOTED to appoint Donald Blanchard to the Rubbish and Recycling Committee.

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

2. VOTED to appoint Kurt Carlson to the Conservation Commission for a three-year term to expire March 1, 2013.

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

was absent. Councilor David J. Place was excused.

3. VOTED to appoint John F. Pacheco III as an alternate to the Budget Board for a one-year term to expire June 30, 2012.

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

4. Consideration and action on appointments to the Juvenile Hearing Board and the Sewer Commission.

Councilor Wallace F. Lees, Chairman, Screening Subcommittee, explained that the Committee had conducted interviews and found the candidates to be well qualified but had been unable to reach a consensus on a recommendation.

VOTED to appoint Kathan Mospaw to complete a term on the Juvenile Hearing Board; term to expire July 31, 2012.

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

Discussion: Councilor Stephen N. Rawson recommended seeking a definite recommendation of the Screening Subcommittee for the appointments to the Juvenile Hearing Board and Sewer Commission. Council President Nancy F. Binns suggested that since the Subcommittee had been unable to come to a consensus, an immediate decision would be appropriate so that the commissions' work was not delayed.

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

VOTED to nominate Barbara Schouboe (as a member of the Sewer Commission).

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

Discussion: Don C. Wolfe, Chair, Burrillville Sewer Commission, explained his recommendation in support of the appointment of Barbara Schouboe.

The vote was unanimous by the five members present. Voting in favor

of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor Edward J. Blanchard was absent. Councilor David J. Place was excused.

11-227 VOTED to refer to the Screening Subcommittee the application from Barbara Schouboe for reappointment to the Redevelopment Agency of Burrillville.

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

REFER – PD / KD 5

11-228 VOTED to accept with regret the resignation of Jennifer Bergin from the Burrillville Narcotics Guidance Council, to send her 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.

Discussion: Council President Nancy F. Binns echoed the Council's

appreciation for service to the community. Council President Binns questioned the meeting and report schedule of the Narcotics Guidance Council and asked the Manager and Clerk to look into and report on the matter.

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

11-229 Correspondence from John P. Mainville, Finance Director, regarding his recommendations.

A. VOTED to approve the abatements (\$105,882.76) for the period covering October 1, 2010 to June 30, 2011.

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

Discussion: There was discussion of the amount of the abatements and the timeframe involved.

The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke and Stephen N.

Rawson. Councilor Edward J. Blanchard was absent. Councilor David J. Place was excused.

B. VOTED to receive and file the additions (\$4,439.58) for the period covering October 1, 2010 to June 30, 2011.

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

11-230 VOTED to open the correspondence from Councilor Margaret L. Dudley regarding her request that the Town Council adopt a resolution relative to Rhode Island Public Transit Authority (RIPTA) funding.

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

Discussion: Councilor Margaret L. Dudley discussed the informational session that she had attended, reviewed the financial difficulties at Rhode Island Public Transit Authority, and asked the Town Council to support her proposed resolution. Councilor Dudley recommended forwarding the resolution with a request for support to all city and town councils in Rhode Island, our legislative delegation, the Senate President, the House Speaker and the Governor.

VOTED to adopt the resolution, as follows:

Burrillville Town Council

Resolution

Whereas, The Rhode Island Public Transit Authority's mission is to provide safe, reliable and cost-effective transit service with a skilled team of professionals responsive to its customers and the environment, with commitment to transit excellence; and,

Whereas, RI general laws 39-18-3 establishes the purposes of the Authority to (1) Provide public transit services that meet mobility needs of the people of the state, including the elderly and disabled; (2) Increase access to employment opportunities; (5) Facilitate energy conservation and efficient energy use in the transportation sector by providing public transit services; and (6) Mitigate traffic congestion and enhance air quality; and,

Whereas, RIPTA's ridership for FY 2011 was 18.2 million, an increase of 1.5% from the prior year; and,

Whereas, RIPTA's FY 2012 budget of \$97.8 million is \$1.3 million less than was appropriated for their operations in FY 2011; and,

Whereas, The state subsidy for RIPTA is appropriated annually by the General Assembly from certain proceeds of the motor fuel tax (RIGL §31-36-20). In the event that dedicated motor fuel tax revenues received during a fiscal year are not sufficient to support the RIPTA appropriation for that year, the difference shall be transferred from the proceeds of the motor fuel tax imposed by Chapter 36 of Title 31; and,

Whereas, This method of funding is both unsustainable and unreliable since fuel tax revenues will decrease as more citizens use public transportation and fuel efficiency in automotive vehicles increases; and,

Whereas, The citizens of Burrillville have no access to public transportation other than RIPTA; for many of these citizens, RIPTA bus route 9 is the only transportation to and from work; and,

Whereas, The citizens of Burrillville are entitled to the same equal protection and equal access to State services as any other community.

Now therefore be it resolved, that we, the Town Council of the Town of Burrillville, hereby request that RIPTA funding be adding to the General Assembly's agenda of the special session to be held to address the pension crisis.

Be it further resolved that the Town Council of the Town of Burrillville requests that The Rhode Island General Assembly adopt funding

mechanisms which would allow RIPTA to provide statewide service which is sustainable and not solely dependent upon revenue from the motor fuel tax.

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

Discussion: Councilor Stephen N. Rawson reviewed on the important service provided to residents by bus route #9. Councilor Kevin D. Heitke spoke in support of the resolution, commenting on the problem of the funding formula for RIPTA. Michael C. Wood, Town Manager, discussed Town's efforts to support bus riders, i.e. providing designated parking areas.

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

9. Town Clerk/Communication:

11-231 VOTED to receive and file the correspondence from Edward Sanderson, State Historic Preservation Officer, regarding consideration of the Esten-Bowen Farmhouse, 299 Iron Mine Road, for nomination to the National Register of Historic Places.

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

10. VOTED to receive reports #1 through 22:

- 1. Town Treasurer: Report of June 2011**
- 2. Burrillville Sewer Commission: Report of July 2011; meeting of July 12, 2011**
- 3. Tax Collector: No report**
- 4. Department of Public Works: Report of July 2011**
- 5. Chief of Police: Report of July 2011**
- 6. Office of Building Official: Report of July 2011**
- 7. Animal Control Officer: Report of July 2011**
- 8. Burrillville Housing Authority: Meetings of June 8 and July 19, 2011**
- 9. Planning Board/Town Planner: Meeting of July 11, 2011**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: No report**
- 12. Information Systems Department: August 2011**
- 13. Burrillville Conservation Commission: No report**
- 14. Ordinance Subcommittee: Meeting of June 9, 2011**

- 15. Redevelopment Agency: Meeting of June 28, 2011**
- 16. B-PAC: No report**
- 17. Personnel Board: Meeting of June 14, 2011**
- 18. Screening Subcommittee: Meeting of June 30, 2011**
- 19. Budget Board: No report**
- 20. Burrillville School Committee: No report**
- 21. Emergency Management Agency: No report**
- 22. Rubbish & Recycling Committee: No report**

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

11. Additional New Business:

11-232 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)(2)] to consider and discuss collective bargaining between the Town of Burrillville and Council 94, Local 186; and

[\$42-46-5(a)(5)] for discussion and consideration relative to

disposition of real property at Commerce Park – Daniele, Inc.

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

There was a recess before executive session.

The Town Council returned to open session at 9:13 P.M.

VOTED to seal the minutes of executive session noting that two votes had been taken.

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

12. VOTED to adjourn at 9:13 P.M.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor

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

The meeting was recorded.

Louise R. Phaneuf, Town Clerk