

REGULAR MEETING of the Town Council held Wednesday, January 23, 2013 at 7:00 P.M. in Council Chambers, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, 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 to accept the minutes of the regular meeting held January 9, 2013 and the workshop held January 10, 2013; and dispense with the reading of said minutes.

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Councilor Kimberly Brissette Brown announced the first-of-the-season coffeehouse at the Jesse M. Smith Memorial Library, featuring an evening of folk music with Mr. Whodo.

Councilor Stephen N. Rawson announced the annual Between the Cracks Ice fishing tournament, to be held at Crystal Lake.

5. Petitions: None

6. Special Business:

13-012 Oath of office for Probationary Patrol Officers Holly Barrett and Robert Veader.

Probationary Patrol Officers Holly Barrett and Robert Veader were sworn in by the Town Clerk.

13-013 VOTED to open ratification of citations recognizing members of the Oakland Mapleville Fire Department.

Motion by Councilor Edward J. Blanchard. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to ratify citations recognizing members of the Oakland Mapleville Fire Department, as follow:

Amanda Young, Fire Fighter of the Year

Lt. Richard Jalette, Officer of the Year

Captain Troy Phillips, 25 years of service

John Wheeler, 15 years of service

Aaron Doughty, 5 years of service

William H. Williams, 5 years of service

Motion by Councilor Edward J. Blanchard. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-014 VOTED to grant a victualing license to the Church of St. Teresa of the Child Jesus to apply at various dates throughout 2013 at 35 Dion Drive on property owned by the Diocese of Providence.

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

7. Public Hearing: None

8. Unfinished Business:

12-220 VOTED to open the correspondence from Dr. Frank Pallotta regarding his funding request related to curriculum writing and professional development.

Motion by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Dr. Frank Pallotta, Superintendent of Schools, reviewed the funding request related to curriculum writing and professional development. There was discussion of the funds expended for these services and the School Department budget surplus.

VOTED to grant permission to move \$30,104 to the next fiscal year (that is, from FY2012 to FY2013) for the School.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown,

John F. Pacheco III, David J. Place and Stephen N. Rawson.

Discussion: Councilor Rawson recommended continuing the discussion of the School Department's request for a special appropriation of \$50,000 to continue the work of curriculum development until after the joint meeting between the School Committee and the Town Council, at which time proposed uses of the School Department budget surplus would be discussed.

VOTED to table that question until our first meeting in February, until we get presentation on Monday, to find out what they plan to do with the \$545,000.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

12-273 Burrillville Town Council Rules of Order

VOTED to open discussion of adoption of a resolution amending the Burrillville Town Council Rules of Order.

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to approve the resolution, as stated.

Motion by Councilor David J. Place. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

The resolution, as adopted:

Burrillville Town Council Resolution

Amending the Burrillville Town Council Rules of Order

The Burrillville Town Council Rules of Order are hereby amended as follows:

- 1. Repeal paragraph b. in Rule 1 D.4. and replace it with the following:
b. All comments should be addressed to the Council President, should be relevant to the subject of the public hearing, and should not be of a personal nature.**
- 2. Repeal paragraph 3. in Rule 7 C. and replace it with the following:**
- 3. Dialogue between members of the audience is not permitted; comment and testimony are to be directed to the Council as a whole**

and to the Council President in particular.

3. Repeal Rule 8A. and replace it with the following:

A. Standing Committees. There are established the following standing committees of the Council that shall consist of three members and one alternate member each. The Town Council shall elect from amongst itself the membership of each committee during the organizational meeting following each biennial election.

4. Repeal Rule 8D. and replace it with the following:

D. Referral. All items for consideration by the standing committees shall have been referred by the Town Council as a whole prior to the subcommittee taking up an item. The Town Council President, the Town Manager or the Town Solicitor may refer matters to committee if there is a time limit for Council action; provided, however, that written notice shall concurrently be placed on the Council agenda to enable the Council to take such further action as it deems necessary.

5. Repeal Rule 8D. and replace it with the following:

E. Recommendations. It shall be the duty of the standing committee to consider and make recommendations on all matters referred to such committees. Minority reports shall be shown on committee reports/recommendations if requested by said minority with the dissenting votes reflected.

Adopted as a resolution this 23rd day of January 2013.

VOTED to adopt the Burrillville Town Council Rules of Order, seventh revision dated January 23, 2013, pursuant to the Town Charter of the Town of Burrillville, Sec. 3.15, Procedures and Conduct of Meetings,

as follows:

RULE 1 – MEETINGS

A. Regular Meeting. The regular meeting of the Town Council shall be held on the second and fourth Wednesdays of the month within the confines of the Town of Burrillville, in accordance with §3.12 of the Charter.

1. Councilors who must be absent from regular meetings of the Town Council should inform the Council prior to the meeting, whenever possible.

2. Councilors asking to be excused shall notify the Council President or Town Clerk.

B. Special Meetings. Special meetings shall be called by the Town Clerk on the request of the Town Council President; or as otherwise provided in §3.13 of the Charter.

C. Workshops. Workshop sessions shall be called by the Town Clerk on the request of the Town Council President. A work session is a meeting of the Town Council that may include other officials, bodies, agencies or groups. The primary purpose of a work session is to obtain information and exchange ideas rather than to take formal action. Consequently, work sessions are open to the public, but participation is limited to officials, bodies, agencies, groups or individuals invited to participate by the Town Council. Unless an emergency exists, no official vote on any business may be taken at a work session or informational meeting. If such a vote is taken, the

same motion shall be placed on the agenda of the next regular meeting for ratification.

D. Public Hearings. The main purpose of most public hearings is to obtain public testimony or comment. Both proponents and opponents of the proposal are allowed to speak. The Town Council President may administer oaths to those persons providing testimony at public hearings.

1. Time of Hearings. Notice of all public hearings shall be posted in accordance with the Rhode Island Open Meetings Act and all other applicable state and local laws and ordinances. Public hearings shall be included as part of the regular business of the Town Council at any regular meeting unless scheduled otherwise by vote of the Town Council or at the call of the Town Council President.

2. Order of Business. The order of business for a public hearing may vary, depending upon the type of hearing that is being conducted. The Town Clerk, under the direction of the Town Council President, shall list the order of business for public hearings on the appropriate agenda, whether that be a regular meeting agenda or an agenda for a public hearing scheduled by vote of the Town Council or at the call of the Town Council President.

a. Comments/Input/ from Applicant(s)/Sponsor(s)/Petitioner(s) (as applicable)

b. Comments/Input/Recommendations from the Ordinance Subcommittee

c. Comments/Input/Recommendation by Administration – Solicitor, Town Manager and Administrative Staff

d. Proponents

e. Opponents

f. Closure of the public hearing

g. Town Council Deliberation

h. Vote/Decision

i. Adjournment

3. Time Limits for Oral Argument. While these rules do not set forth a specific time limit for comments, the Town Council President retains the authority to limit the amount of time allotted to each speaker. The Town Council President will state the rules relative to time limits at the opening of the public hearing.

4. Rules Regarding Public Testimony.

a. All speakers must give their names and addresses.

b. All comments should be addressed to the Council President, should be relevant to the subject of the public hearing, and should not be of a personal nature.

c. Speakers should avoid repeating comments made by other speakers or becoming repetitive themselves.

d. If there are a large number of speakers, including many who are part of groups or organizations, a representative should speak on behalf of the organization or group.

E. Emergency Meetings. In accordance with the Rhode Island Open Meetings Act, “Upon a vote by a majority of the public body, an emergency meeting may be convened ‘to address an unexpected occurrence that requires immediate action to protect the public’”.

RULE 2 – PRESIDING OFFICER – DUTIES

A. Conduct of Meeting. The presiding officer at all meetings of the Council shall be the President of the Town Council, or in the President's absence, the Vice President, who shall conduct the business and deliberations of the Council under these rules. The Town Council President and Vice President shall be elected in accordance with §3.08 of the Charter.

The Town Council President shall:

- 1. Preserve order and decorum in the Council Chambers;**
- 2. Observe and enforce all rules adopted by the Council for its government;**
- 3. Decide all questions on order, in accordance with these rules, subject to appeal by any member to the Council;**
- 4. Recognize any Councilor who seeks the floor when that Councilor is appropriately entitled to do so. Any Councilor wishing to speak must first obtain the floor by being recognized by the Town Council President. No member shall be recognized and given the floor to speak on the same matter more than once until after all other members of the Council have had an opportunity to be recognized and be heard.**
- 5. Retain the authority, during Public Comment, to determine whether a speaker's remarks fail to comply with these rules. The Town Council President shall have the authority to suspend such person's right to speak, subject to the Council's right to overrule such decision.**

The Town Council President, as a member of the Council shall be

governed in all matters and issues by the same rules and restrictions as other Councilors.

B. Questioning.

1. Any member of the Council shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion.

2. Potential disciplinary or personnel matters of the administrative staff shall be referred to the Town Manager and not discussed publicly.

C. Agenda Items Taken Out of Order. The Town Council President may, without the necessity of any vote, call for the agenda items out of the prescribed “Order of Business”.

RULE 3 – REMARKS AND DEBATES

A. Speaking to Motion. Any Councilor wishing to speak must first obtain the floor by being recognized by the Town Council President. No member shall be recognized and given the floor to speak on the same matter more than once until after all other members of the Council have had an opportunity to be recognized and be heard. After the motion is put and before the next item is read, a member shall be able to speak briefly to the previous motion.

B. Courtesy. All speakers, including members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in argumentative, contemptuous or disorderly behavior, or discuss or comment on personalities, or indulge in derogatory remarks or

insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the Town Council President, to the question or matter under discussion.

C. Remedy. The Council shall have the power to impose punishment on its members, short of removal of office, for violation of these rules. If a member of the Council shall breach these rules, the Town Council President shall call such member to order, in which case such member shall be silent except to explain or continue in order. Additional consequences may include a verbal admonition, written reprimand, censure, expulsion from the meeting at which the conduct is occurring, or removal of the Councilor from the Council committee chair positions or committee memberships. Expulsion for such behavior in the Council's presence shall require the affirmative vote of a majority of the Council, specifying in the order of expulsion the cause thereof.

D. Town Manager. The Town Manager shall have the right to enter into a discussion of any matter coming before the Council.

RULE 4 – ORDER OF BUSINESS

A. Order of Business. The order of business shall be as follows:

- 1. Pledge of Allegiance**
- 2. Consider/accept minutes**
- 3. Public Comment**
- 4. General Good and Welfare of the Town of Burrillville**

- 5. Petitions**
- 6. Special Business**
- 7. Public Hearings**
- 8. Unfinished Business**
- 9. New Business**
- 10. Town Clerk/Communication**
- 11. Reports to be received***
- 12. Additional New Business**
- 13. Adjournment**

*** Reports shall be received monthly and not at each regular meeting of the Town Council.**

B. Recess. The Town Council President may call a recess during any regular or special meeting.

RULE 5 – EXECUTIVE SESSION

A. The Town Council shall follow the letter and the spirit of the Rhode Island Open Meetings Act.

B. The Town Council may meet in executive session upon request by the Town Solicitor, Town Manager, or any member of the Town Council.

C. Electronic Devices:

1. No recording devices of any kind shall be allowed during Executive Session, with the exception of the equipment used to make an official record of the session.

2. Listening devices provided to the hearing impaired or for other reasons shall not be removed from the meeting room during an

executive session.

D. Personnel matters involving administrative staff shall only be considered as prescribed by the Town Charter, Town Ordinances, the Rhode Island Open Meetings Act, employee contracts, collective bargaining agreements and personnel policies and procedures.

E. The Open Meetings Act requires that discussions related to job performance, character, or physical or mental health of a person, which includes administrative staff, shall be conducted only after the person is notified in writing and given an opportunity to have the matter discussed in a public session.

F. Councilors shall keep confidential all written materials and verbal information provided to them relative to Executive Sessions until such time as the matter is disclosed publicly, under provisions of the Rhode Island Open Meeting Act.

RULE 6 – AGENDA

A. The Town Clerk, under the direction of the Town Council President, shall prepare the agenda for each session of the Council in regular order in accordance with these rules. Such agenda shall include all matters requested by any Councilor, the Town Manager or the Town Solicitor.

B. The Town Council President shall coordinate with the Town Clerk as to which items submitted by residents, organizations or other individuals shall be included on any agenda.

C. Proclamations shall be requested through and sponsored by a Councilor. Residents, organizations and other individuals requesting

a proclamation will be referred to a member of the Town Council.

D. Any request for an item to be placed on the agenda must be submitted to the Town Clerk no later than 4:00 p.m. on the Thursday before a Wednesday meeting. Items for consideration by the Council should include name, address and telephone number of the person (or contact person(s) for a group asking) to be included on the agenda and should be accompanied by supporting documentation for review by the Councilors prior to the meeting whenever possible.

E. The agenda for regular meetings will be finalized on the Thursday before a Wednesday meeting, and made available for Councilors and the general public on Friday morning after 8:30 A.M. Under unexpected or extraordinary circumstances, with the consent of the Town Council President, the agenda may be amended after Thursday; but under no circumstances, except as provided for Emergency Meetings, shall the agenda be amended within 48 hours of a scheduled meeting.

F. The Town of Burrillville will provide accommodations needed to ensure equal participation. Please contact the Burrillville Town Clerk at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting it. A request for this service can be made in writing or by calling (401) 568-4300 (voice) or “via RI Relay 1-800-745-5555” (TTY).

G. When the Burrillville Town Council receives a request for support of a resolution from another Rhode Island City or Town Council or School Committee, the Town Clerk will determine whether the Burrillville Town Council has taken a position on the proposed

legislation.

1. If the Town Council has not taken a position on the proposed legislation, the resolution will be included on the Town Council's agenda for consideration and action.

2. If the Town Council has previously taken a position, the resolution will be filed without the necessity of presenting the correspondence to the Town Council. The town clerk, on behalf of the Town Council, will, in writing, thank the Town Council or School Committee that submitted the resolution.

RULE 7 – PUBLIC COMMENT

A. Items not included on the Agenda. The Town Council appreciates hearing from citizens about items of interest to the community and desires to set aside time at the start of each Council business meeting for Public Comment. In accordance with the Rhode Island Open Meetings Act, Councilors and/or the Town Administration may respond to public comments. However, no vote or other action will be taken on an item that has not been included on the agenda unless such item meets the requirements to add the matter to the agenda on an emergency basis.

B. Public Comment on Agenda Items. It is the practice of the Town Council to allow for public input on items included on an agenda at the time the matter is taken up by the Town Council providing the Town Council President determines that the speaker's comments comply with these rules.

C. Rules Regarding Public Comment.

1. The Town Council President will recognize members of the public after members of the Council have had an opportunity to be recognized and be heard.

2. Speakers are asked to identify themselves by name and address.

3. Dialogue between members of the audience is not permitted; comment and testimony are to be directed to the Council as a whole and to the Council President in particular.

4. It is understood that a person making a request to speak does so on his/her own behalf. For this reason and to guarantee all persons an ample opportunity to be heard, all speakers will be recognized for the same amount of time. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.

D. Courtesy. All speakers during Public Comment, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the Town Council President, to the question or matter under discussion.

E. Remedy. The Town Council President shall retain authority to determine whether a speaker's remarks fail to comply with these rules or exceed the scope of the designated forum, and the Town Council President shall have the right to suspend such person's right to speak, subject to the Council's right to overrule such decision by a

majority vote of the Council.

RULE 8 – STANDING COMMITTEES

The purpose of the committees is to expedite the business of the Council by permitting committees to go into details on specific matters.

A. Standing Committees. There are established the following standing committees of the Council that shall consist of three members and one alternate member each. The Town Council shall elect from amongst itself the membership of each committee during the organizational meeting following each biennial election.

1. Ordinance Subcommittee

2. Screening Subcommittee

B. Special Committee(s). The Council may create any special committee as deemed appropriate, in accordance with §3.14(H) of the Charter. The Council shall specify the objectives of the special committee, and shall set a date on which the special committee shall be deemed dissolved.

C. Function and Purpose.

1. The identification of the scope of work of the individual committees, meeting schedules, and meeting locations shall be accomplished by a process of discussion and consensus among the committee members. Committee action on any proposal is strictly advisory to the Council. The standing committees shall have no power or authority to commit the Town or to take any binding action

on behalf of the whole Council.

2. Committees of the Town Council may establish their own rules of procedure and order of business. Such rules and order of business, if formally adopted, shall be filed with the Town Clerk.

D. Referral. All items for consideration by the standing committees shall have been referred by the Town Council as a whole prior to the subcommittee taking up an item. The Town Council President, the Town Manager or the Town Solicitor may refer matters to committee if there is a time limit for Council action; provided, however, that written notice shall concurrently be placed on the Council agenda to enable the Council to take such further action as it deems necessary.

E. Recommendations. It shall be the duty of the standing committee to consider and make recommendations on all matters referred to such committees. Minority reports shall be shown on committee reports/recommendations if requested by said minority with the dissenting votes reflected.

F. Public Comment.

1. Standing committees may allow public comment at committee meetings.

2. The committee chair may invite persons to the committee table for the purpose of providing information necessary to committee business, and explain to those in attendance the reasons for inviting people to the committee table.

3. All speakers during Public Comment, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in or discuss or

comment on personalities, or indulge in derogatory remarks or insinuations in respect to any member of the Subcommittee or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the Subcommittee Chair, to the question or matter under discussion.

G. The Subcommittee Chair shall retain authority to determine whether a speaker's remarks fail to comply with these rules or exceed the scope of the discussion, and the Chair shall have the right to suspend such person's right to speak, subject to the Committee's right to overrule such decision.

H. Staff Assignments to Committee. The Town Manager or his designee shall assign staff for each standing committee, who shall prepare the agenda, provide proper notice and prepare minutes.

RULE 9 – INTRAGOVERNMENT COMMUNICATION/INTERACTION

A. Solicitor.

1. The following officials are authorized to contact the Town Solicitor regarding municipal matters: Councilors, acting through the Town Council President, Town Manager, Town Clerk and other department heads as authorized by the Town Manager.

2. No member of the Town Council shall request the legal opinion about town business from the town's appointed attorney(s) without prior approval of the majority vote of the Council.

B. Department Heads. In accordance with the Charter, the Town Manager is the chief administrative officer of the Town. Therefore,

Councilors who have matters that concern the several and various departments or areas of responsibility under the jurisdiction of the Town Manager shall address these issues through the Town Manager.

C. Confidential information.

1. In the course of their duties, councilors may receive information through the administration about events in the community that may need to be treated as confidential. Councilors must not use or disclose confidential information.

2. If a councilor has any doubt whether information should be released to the public or the press, he/she will contact the council president or the town manager for authorization to disclose the information. The town manager or town council president may at his/her discretion, refer the councilor to the chief of police for authorization.

3. In the case of police matters, councilors will make no public statements to the public or press unless authorized by the public safety director. The public safety director may at his/her discretion refer the councilor to the chief of police or designated police information officer for authorization to make public statement(s).

4. If a councilor transgresses these rules, the council reserves the right to vote to instruct the administration that the member who transgressed the rule will be excluded from future confidential communications from the administration for a period of time to be established by a majority vote of the Town Council.

D. The Town Manager will coordinate attendance by administrative

staff at all meetings of the Council and its subcommittees.

E. The role of a Town Council liaison shall be to facilitate communications when necessary between a Board, Commission or Agency, and the Town Council and/or Town Manager as circumstances may warrant. Liaisons are not required to attend Board, Commission, or Agency meetings but are encouraged to attend and observe as their schedules may permit. A Council liaison shall not give direction to a Board, Commission, Agency or staff nor shall a liaison convey information, an opinion or recommendation on behalf of the Town Council unless the Council has formally voted on the subject matter. Nothing herein shall prohibit a Council liaison from commenting on a matter before a Board, Commission or Agency during public comment period or at other appropriate times in his or her capacity as an abutter or as a private citizen and the liaison shall state the same for the public record.

RULE 10 – MISCELLANEOUS

A. No rule shall be suspended except by a majority vote of Councilors present at the meeting, and a motion to suspend a rule is not debatable.

B. Robert's Rules of Order. On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in Robert's Rules of Order Newly Revised shall prevail. If there is a conflict, these rules shall supersede Roberts Rules of Order.

C. Amendments to Rules. Amendments to these rules shall be made by resolution.

Motion by Councilor David J. Place. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

9. New Business:

13-015 VOTED to open the correspondence from Dr. Frank Pallotta, Superintendent, Burrillville School Department, regarding the School Committee's request for representatives of the Town Council and the Budget Board to serve on a School Committee subcommittee related to the Levy Rink.

Motion by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Discussion: Council President Nancy F. Binns nominated Council Vice President Wallace F. Lees to serve on the School Committee subcommittee related to the Levy Rink. There was discussion of the possibility of naming an alternate.

VOTED to appoint Mr. Lees.

Motion by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to authorize the Budget Board to appoint a member to serve on the ad hoc committee to the rink.

Motion by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-016 VOTED to open the correspondence from Major Lareto P. Guglietta regarding his request that the Town Council authorize spending \$4,823.00 to purchase a cap for the crime scene truck, fitted with the accessories as listed, with funding from the police department task force account.

Motion by Councilor Edward J. Blanchard. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to grant the \$4,823 to purchase a cap for the truck from the police department task force account.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Wallace F. Lees.

Discussion: The question of insulation for the cap was reviewed.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-017 VOTED to receive and file the Pascoag Reservoir Dam Management District Annual Report.

Motion by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-018 VOTED that the Burrillville Town Council hereby approves

Council President Binns' appointment of Mark D. Thompson as an alternate member of the Redevelopment Agency to complete a two-year term which will expire on March 31, 2014.

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-019 VOTED to refer to the Screening Subcommittee Charlotte Gabrielson's application for reappointment to the Personnel Board and the Juvenile Hearing Board.

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-020 VOTED to open the correspondence from Councilor Edward J. Blanchard regarding the intersection of East Avenue and Harrisville Main St.

Motion by Councilor David J. Place. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous. Voting in favor of the

motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Discussion: The fact that the State, not the Town, has authority over the intersection was reviewed. It was recalled that the State Traffic Commission was asked to study the intersection. The Manager was to review the matter.

Pending Legislation

13-021 VOTED to open consideration and action on a resolution in support of General Assembly Bills 2013 – S0044 and 2013 – H5072, Acts Relating to Elections – Conduct of Elections; as requested by Councilor David J. Place.

Motion by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Discussion: Legislation to eliminate the so-called master lever was discussed.

VOTED to approve a resolution as stated and pass it on to our

legislative delegation.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson. Councilor Edward J. Blanchard voted in opposition.

The resolution, as adopted:

Burrillville Town Council

Resolution

In Support of General Assembly Bills

2013 – S0044 and 2013 – H 5072 Acts Relating to Elections – Conduct of Elections

Whereas, the purpose of Bills 2013 – S0044 and 2013 – H5072 is to delete the option of single party (master lever) voting by means of a single mark in non-primary elections; and

Whereas, voters are confused by the single party voting mechanism; and

Whereas, this confusion was demonstrated in 2012 when voters in 34 Rhode Island communities cast Moderate party single party votes without a Moderate party candidate on the ballot; and

Whereas, at the 2012 general election, approximately 200 Burrillville voters used the Moderate party master lever when technically there

weren't any Moderate candidates on the 2012 ballot; and

Whereas, single party voting wreaks havoc on ballots in 16 Rhode Island communities, including Burrillville, which have non-partisan School Committee races; and

Whereas, if a voter elects to use single party voting on ballots with a non-partisan race, no votes are cast for the non-partisan School Committee race unless the voter specifically marks the ballot for that race; and

Whereas, it is well documented that non-partisan School Committee races are under-voted when the single party voting option is used, which disenfranchises both candidates and voters; and

Whereas, a ballot mechanism should never lead to voter confusion, candidate disenfranchisement or most importantly voter disenfranchisement; and the single party vote mechanism has been documented to cause all three, and should be eliminated from the Rhode Island ballot.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby respectfully request that the legislative delegation which represents the Town support passage of 2013 – S0044 and 2013 – H 5072 which will delete the option of single party voting by means of a single mark in non-primary elections.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, do hereby entreat the various Rhode Island city and town councils to contact their legislative delegations, seeking passage of 2013 – S0044 and 2013 – H 5072.

Adopted as a resolution this 23rd day of January 2013

13-022 VOTED to support Bill 2013 – S0060, An Act Relating to Public Utilities and Carriers – Excavation Near Underground Utility Facilities – Costs; as requested in past sessions by the Burrillville Town Council.

Motion by Councilor Edward J. Blanchard. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-023 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding potential legislation related to proposed amendments to the general laws of the state related to interest on tax assessment appeal cases.

Motion by Councilor David J. Place. 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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to adopt the resolution.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Stephen N. Rawson. The motion carried, six in favor, one abstention. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III and Stephen N. Rawson. Councilor David J. Place abstained.

The resolution, as adopted:

Burrillville Town Council Resolution

Supporting Legislation - Amendments to §44-5-31.1

Levy and Assessment of Local Taxes.-

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby respectfully request that §44-5 entitled "Levy and Assessment of Local Taxes" be amended by adding the following:

§44-5-31.1. Notwithstanding any provision contained in Section 9-21-10, in any tax assessment appeal or civil action brought pursuant to the applicable provisions of Title 44 Chapter 5 in which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the clerk of the court to the amount of damages interest at the rate of six percent (6%) per annum thereon from the date the cause of action accrued, which shall be included in the judgment entered therein. Post judgment interest shall be calculated

at the rate of six percent (60/0) per annum and accrue on both the principal amount of the judgment and the prejudgment interest entered therein. This section shall not apply until entry of judgment.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, do respectfully request that our legislative delegation support passage of these amendments.

This act shall take effect upon passage.

PASSED AS A RESOLUTION of the Burrillville Town Council this 23rd day of January 2013

13-024 A resolution in support of amendments to RIGL §§44-5-52, 44-5-53 and 44-5-54, related to Burrillville property tax classification.

MOTION to adopt.

Motion by Councilor Edward J. Blanchard.

MOTION to open.

Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees.

Councilor Blanchard withdrew his motion.

The vote on the motion to open was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to adopt a resolution in support of amendments to RIGL §§44-5-52, 44-5-53 and 44-5-54, related to Burrillville property tax classification.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Stephen N. Rawson. 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, Kimberly Brissette Brown, John F. Pacheco III and Stephen N. Rawson. Councilor David J. Place voted in opposition.

The resolution, as adopted:

Burrillville Town Council Resolution

Supporting Legislation – Amendments to §44-5

Levy and Assessment of Local Taxes.-

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby respectfully request that §44-5 entitled “Levy and Assessment of Local Taxes” be amended as follows:

SECTION 1. Sections 44-5-52, 44-5-53 and 44-5-54 of the General Laws in chapter 44-5 entitled “Levy and Assessment of Local Taxes” are hereby amended to read as follows:

44-5-52 Burrillville - Property tax classification authorized. The town of Burrillville is authorized to adopt a system of property tax classification in any year commencing in 2013 for taxes assessed as of December 31, 2012 and thereafter.

44-5-53 Burrillville - Property tax classification -- List of ratable property.

(a) Upon adoption of a system of classification of taxable property by the town of Burrillville, all ratable property in the town of Burrillville shall be classified by the assessor as follows:

(1) Class 1: All ratable real estate.

(2) Class 2: All tangible personal property and all motor vehicles and trailers subject to the excise tax created by chapter 34 of this title.

(1) Class 1: all residential real estate, which consists of not more than five (5) dwelling units. Class 1 includes all mobile/manufactured homes and residential condominiums.

(2) Class 2: all commercial and industrial real estate and all residential real estate which consists of more than five (5) dwelling units;

(3) Class 3: all ratable tangible personal property;

(4) Class 4: all motor vehicles and trailers subject to the excise tax created by chapter 34 of this title.

(b) Where real property is used or held for more than one purpose and the uses result in different classifications, the town council may, by ordinance, establish a process by which the assessor shall allocate to each classification the true and fair cash value to the property devoted to each use.

(c) Notwithstanding any provisions of section 44-5-11.8 the tax rates applicable to wholesale and retail inventory within Class 3 as defined in subsection (a) of this section are governed by section 44-3-29.1.

(d) The tax rates applicable to motor vehicles within Class 4 as defined in subsection (a) of this section are governed by section 44-34.1-1.

44.5-54 Burrillville - Property tax classification - Duties of assessor.

(a) the assessor of the town of Burrillville, on or before June 1 each year, shall make a full and fair cash valuation of all the estate, real and personal, and motor vehicles subject to taxation, herein, and determine the assessed valuation of each property class.

(b) The assessor shall apply different rates of taxation against Class 1 and Class 2 property to each property class as set forth in section 44-5-53 to determine the tax due and payable on the property; provided, however, the rate for each class shall be uniform within each class; and for each year. Class 2 property rates shall not be more than one hundred fifty percent (150%) of Class 1 property tax rates, and Class 3 property rates shall not be more than two hundred twenty-five percent (225%) of the maximum allowable Class 2 property rates.

SECTION 2. This act shall take effect upon passage.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, do respectfully request that our legislative delegation support passage of these amendments.

This act shall take effect upon passage.

PASSED AS A RESOLUTION of the Burrillville Town Council this 23rd day of January 2013

10. Town Clerk/Communication:

13-025 MOTION to authorize Louise R. Phaneuf, Town Clerk, to pay the following amounts for maintenance of cemeteries during 2012: Wallace F. Lees \$20.00; St. Patrick's \$56.50; and Mark St. Pierre \$400.00; funding sources being \$120 interest from the Burial Lots Fund and the balance to be taken from the contingency fund.

Note: Councilor Wallace F. Lees recused from discussion and action on item 13-025.

VOTED to authorize Louise R. Phaneuf, Town Clerk, to pay the following amounts for maintenance of cemeteries during 2012: Burrillville Historical Society \$20.00; St. Patrick's \$56.50; and Mark St. Pierre \$400.00; funding sources being \$120 interest from the Burial

Lots Fund and the balance to be taken from the contingency fund; and that the Hopkins lot be reassigned to the Burrillville Historical Society permanently.

Motion by Councilor Kimberly Brissette Brown. Seconded by Councilor John F. Pacheco. The motion carried, six in favor, one refusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson. Councilor Wallace F. Lees recused himself.

13-026 VOTED to receive and file the correspondence from Rhode Island DEM regarding the Burrillville Waste Water Treatment Facility Compliance Evaluation Inspection of January 2013.

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

11. VOTED to receive reports #1 – 25:

1. Town Treasurer: Reports of October, November and December, 2012

2. Burrillville Sewer Commission: Reports of November and

December 2012 and Meetings of November 13 and December 11, 2012

3. Tax Collector: Reports of November and December 2012

4. Department of Public Works: Report of November 2012

5. Chief of Police: Reports of November and December 2012

6. Office of Building Official: Reports of November and December 2012

7. Animal Control Officer: Reports of November and December 2012

8. Parks and Recreation Department: No report

9. Burrillville Extended Care: Reports of November and December 2012

10. Emergency Management Agency: No report

11. Information Systems Department: Report of January 2013

12. Burrillville Housing Authority: Meetings of November 11 and 14, and December 7 and 12, 2012

13. Planning Board/Town Planner: Meetings of November 5 and December 3, 2012

14. Recreation Commission: October 9 and November 13, 2012

15. Burrillville Conservation Commission: Meetings of October 9, November 6 and December 11, 2012

16. Ordinance Subcommittee: Meeting of October 11, 2012

17. Redevelopment Agency: Meeting of October 23, 2012

18. B-PAC: No report

19. Personnel Board: Meetings of November 13 and December 11, 2012

20. Screening Subcommittee: Meeting of October 10, 2012

21. Budget Board: No report

22. Burrillville School Committee: Meeting of December 11, 2012

23. Rubbish and Recycling Committee: No reports

24. Board of Canvassers: No report

25. Juvenile Hearing Board: No report

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

12. Additional New Business:

13-027 Request for executive session from Timothy F. Kane, Town Solicitor, pursuant to Rhode Island Open Meeting Law §42-46-5(a)(2) for review and discussion of a matter of potential litigation related to 1165 Tarkiln Road.

13-028 Request for executive session from Patrick J. Dougherty, Assistant Solicitor, pursuant to Rhode Island Open Meeting Law §42-46-5(a)(2) for discussion and action relative to pending litigation: Town of Burrillville v TA Consulting LLC, et al.

VOTED to grant (both requests).

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

There was a recess before executive session.

The Town Council returned to open session at 8:56 P.M.

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

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13. VOTED to adjourn at 8:56 P.M.

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, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk