

REGULAR MEETING of the Town Council held Wednesday, February 27, 2013 at 7:05 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 February 13, 2013, the special meeting held February 11, 2013 and the joint pre-budget meeting held January 28, 2013 and dispense with the reading of said minutes.

Motion by Councilor Wallace F. Lees. 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.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Councilor Kimberly Brissette Brown announced the Peggy Dudley Recycling poster contest, co-sponsored by the Department of Public Works and the Jesse M. Smith Memorial Library. Deadline for submission is April 5, 2013 with awards to be announced on April 24, 2013.

Councilor Edward J. Blanchard announced the Gridiron Club wine tasting scheduled for The Townsman Club on May 8, 2013. Councilor David J. Place commented on the event.

Councilor David J. Place announced details of the Easter Egg Hunt and Breakfast with the Easter Bunny scheduled for March 16, 2013 at Branch River Park and the Burrillville Middle School.

Councilor David J. Place announced the home repair program for low and moderate income families, referring interested parties to the Planning Department.

Council President Nancy F. Binns congratulated Team Renegade on their recent win. Council

Vice President Wallace F. Lees suggested a demonstration of this year's entry at a future council meeting.

5. Petitions: None

6. Special Business: None

7. Public Hearing: None

8. Unfinished Business:

13-037 VOTED to open consideration and action on a motion to reconsider the February 13, 2013 vote to formulate a resolution requesting the General Assembly change the location of cases heard at district court level to the Warwick facility instead of Providence; that is Burrillville would go from the sixth district to the third district.

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.

Discussion: Councilor Kimberly Brissette Brown explained the inconvenience to the state court administration of trying to change the location of Burrillville cases heard at district court level. The matter was discussed.

VOTED to reconsider the resolution adopted on February 13, 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.

VOTED to withdraw the request for a change of venue with regard to the court.

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.

9. New Business:

13-042 Correspondence from John P. Mainville, Finance Director, regarding his recommendations for infrastructure program funding; as follow

VOTED to open a motion that the \$540,000 be appropriated for all of the remaining alternate DPW CIP projects with the funding from a transfer from the Town's Unassigned General Fund Balance. NOTE: The transfer of these funds requires the affirmative vote of six (6) Council members due to appropriation of funds from the Unreserved

Undesignated [Unassigned] General Fund Balance [Town Charter 3.14 (j)].

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.

Discussion: The proposal was reviewed and discussed.

VOTED that \$540,000 be appropriated for all of the remaining alternate DPW CIP projects with the funding from a transfer from the Town's Unassigned General Fund Balance. NOTE: The transfer of these funds requires the affirmative vote of six (6) Council members due to appropriation of funds from the Unreserved Undesignated [Unassigned] General Fund Balance [Town Charter 3.14 (j)].

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.

13-043 Correspondence from Dana J. Gould and Andrea Hall, Co-Chairs, Burrillville Lions Earth Day Committee, regarding the April

20, 2013 designation of Burrillville Earth Day.

MOTION to designate April 20, 2013 as Burrillville Earth Day.

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

Discussion: Councilor David J. Place asked whether the motion included the adoption of the Earth Day Proclamation.

Amended Motion: to designate April 20, 2013 as Burrillville Earth Day and to adopt the proclamation as written.

Amended Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. 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 proclamation, as adopted, was:

Burrillville Town Council

Proclamation

WHEREAS, the global community faces extraordinary challenges such as environmental degradation, climate change, food and water

shortages, and global health issues; and

WHEREAS, a sustainable environment can be achieved on the individual, community and business level through educational efforts and consumer activism campaigns; and

WHEREAS, the Town of Burrillville acknowledges our collective responsibility for environmental education, stewardship and community sustainability; and

WHEREAS, the youth of our community are our most valuable resource and have the creativity and ability to seek feasible solutions to these environmental challenges so that they, and future generations, can live in a healthy and sustainable manner; and

WHEREAS, the Town of Burrillville fosters and encourages environmentally sound businesses and promotes green products, services and lifestyle by providing opportunity for small businesses to present their products and services to the community.

NOW, THEREFORE, the Town Council of the Town of Burrillville does hereby proclaim April 20, 2013 as Earth Day in the Town of Burrillville. All residents and businesses are urged to celebrate Earth Day and to support the efforts to protect our environment.

13-044 VOTED to declare surplus certain items listed in the correspondence of Louise R. Phaneuf, Town Clerk.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion

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

13-045 Correspondence from Councilor Wallace F. Lees, Chairman, Screening Subcommittee, regarding the Subcommittee's recommendations.

VOTED to reappoint Joseph Schmeltz as a member of the Board of Assessment Review to serve a three-year term to expire on November 30, 2015.

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.

VOTED to reappoint Charlotte Gabrielson as an alternate member of the Personnel Board to serve a one-year term to expire on January 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.

VOTED to reappoint Charlotte Gabrielson as a member of the Juvenile Hearing Board to serve a three-year term to expire on January 31, 2016.

Motion by Councilor Wallace F. Lees. 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.

13-046 Applications to be referred to Screening Subcommittee: Kurt E. Carlson for reappointment to the Conservation Commission and Raymond Cloutier, Sandra R. Cooney, George Keeling, Jr. and Edmund A. Varin, Jr. for reappointment to the Zoning Board.

VOTED to refer to the Screening Subcommittee.

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.

13-047 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding assembly of an ad-hoc committee to help in the selection of the next Police Chief.

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.

Discussion: Town Manager Michael C. Wood explained his request for two Councilors to serve on the Committee. The procedures for selecting the Chief of Police were discussed. It was agreed that two members of the Town Council would serve on the Committee.

Councilor Stephen N. Rawson was nominated by Councilor David J. Place. Councilor John F. Pacheco III seconded the nomination. 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.

Councilor Wallace F. Lees was nominated by Councilor Kimberly Brissette Brown. Councilor David J. Place seconded the nomination. 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.

Pending Legislation

13-048 VOTED to open a motion to adopt an amended resolution relative to §44-5-31.1, Levy and Assessment of Local Taxes.

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.

Discussion: Reasons for amending an earlier resolution were reviewed and discussed.

VOTED to reconsider the prior vote.

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 adopt the resolution relative to subsection 44-5-31.1, as

follows:

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, 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, the amount of damages including interest which shall be included in the judgment entered therein shall not exceed the sum of one hundred thousand dollars (\$100,000).

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.

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.

13-049 VOTED to open the correspondence from John P. Mainville, Finance Director relative to the Town of Gloucester's request for support of 2013 – H 5292 Relating to Taxation – Collection of Taxes Generally.

Motion by Councilor Edward J. Blanchard. 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: There was discussion of House Bill 2013 - H5292 Relating to Taxation - Collection of Taxes Generally, that would authorize the tax collector of the town of Gloucester to furnish a tax certificate upon application for any municipal lien certificate for taxes assessed against mobile or manufactured homes, direct the closing agent at any transfer of same to collect said taxes and transmit the monies to the tax collector and provide for creation a tax lien for the town of Gloucester for taxes assessed for either a mobile or manufactured home.

VOTED to support the Town of Gloucester request for House Bill H5292 for 2013.

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.

10. Town Clerk/Communication: None

11. VOTED to receive reports #1–25:

- 1. Town Treasurer: Report of January 2013**
- 2. Burrillville Sewer Commission: Meetings of January 8 and February 4, 2013**
- 3. Tax Collector: Report of January 2013**
- 4. Department of Public Works: No report**
- 5. Chief of Police: Report of January 2013**
- 6. Office of Building Official: Reports of Year End 2012 and January 2013**
- 7. Animal Control Officer: Report of January 2013**
- 8. Parks and Recreation Department: No report**
- 9. Burrillville Extended Care: No report**
- 10. Emergency Management Agency: No report**
- 11. Information Systems Department: Report of February 2013**
- 12. Burrillville Housing Authority: Meetings of January 9 & 14, 2013**
- 13. Planning Board/Town Planner: Meeting of January 7, 2013**
- 14. Recreation Commission: Meeting of December 10, 2012**

- 15. Burrillville Conservation Commission: No report**
- 16. Ordinance Subcommittee: Meeting of December 13, 2012**
- 17. Redevelopment Agency: Meeting of November 27, 2012**
- 18. B-PAC: No report**
- 19. Personnel Board: Meeting of January 8, 2013**
- 20. Screening Subcommittee: Meeting of December 12, 2012**
- 21. Budget Board: Meeting of March 29, 2012**
- 22. Burrillville School Committee: Meeting of January 8, 2013**
- 23. Rubbish & Recycling Committee: Meeting of October 22, 2012**
- 24. Board of Canvassers: No report**
- 25. Juvenile Hearing Board: No report**

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

12. Additional New Business: None

13. VOTED to adjourn at 7:55 P.M.

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

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

The meeting was recorded.

Louise R. Phaneuf, Town Clerk