REGULAR MEETING of the Burrillville Town Council held Wednesday, July 13, 2016 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place

MEMBERS ABSENT: Councilor Stephen N. Rawson was excused

1. Pledge of Allegiance

2. VOTED to accept the minutes of the regular meetings held June 8 & 22, 2016 and the special meeting held June 7, 2016 and dispense with the reading of said minutes.

Motion by Councilor David J. Place. Seconded by Councilor Donald A. Fox. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

3. Public Comment
Oleg Nikolyszyn, Town Solicitor, commented on the Energy Facility Siting Board (EFSB) and Public Utilities Commission (PUC) schedule for hearing locations relative to the Clear River Energy Center proposed by Invenergy. The matter was discussed.

David Brunetti of Sherman Farm Harrisville, David Lacroix of Laurel Hill Avenue, Kathryn Sherman of Wallum Lake Road, Julia O’Rourke of Wallum Lake Road, Jason Olkowski of Harrisville, Irene Watson of Jackson Schoolhouse, Robert Woods, Jeremy Bailey of Wallum Lake Road, Mary Jane Bailey, Jan Luby of Sayles Avenue, Roberta Lacey of Spring Street, Mary Ryan and Tedd Carr of Laurel Ridge Avenue voiced concerns related to the Clear River Energy Center proposed to the Rhode Island Energy Facility Siting Board (EFSB) by Invenergy Thermal Development LLC and about noise and other issues at Algonquin Gas Transmission, LLC.

4. General Good and Welfare of the Town of Burrillville

Council President John F. Pacheco III announced the upcoming concert schedule at The Assembly Theatre. Mr. Pacheco commented on the upgrades to the audio and video system at The Assembly.

5. Special Business:

16-190 Correspondence from Norman P. Desjarlais regarding his request for recognition of residents who participated in the 2016
Ancient & Horribles Parade, winning first place, best in parade.

Mr. Desjarlais addressed the public, exhibiting the first place trophy.

16-191VOTED to grant the renewal of a Private Detective License to Gerald L. LaPierre of G.L. LaPierre & Company, Inc., providing that all stipulations are met.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

16-192VOTED to grant an annual Hawkers & Peddlers License to Dana Neville d/b/a The Cotton Candy Man to apply throughout the Town of Burrillville.

Motion by Councilor Michelle D. Bouchard. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.
6. Petitions:

16-193 VOTED to refer to the ordinance subcommittee the application from Mapleville Farm LLC for a zoning amendment: changing zoning district of Map 213/Lots 7 & 17 from General Industrial (GI) to Farming (F-2).

Motion by Councilor David J. Place. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

7. Public Hearing: None

8. Unfinished Business:

16-117 Correspondence from Oleg Nikolyszyn, Town Solicitor, regarding the resolution amending the Town Charter (technical changes) and Charter amendment questions proposed for the November ballot.

VOTED to adopt a resolution amending the Town Charter (technical changes), as follows:
Burrillville Town Council
Resolution Amending Town Charter
(Technical Changes)

WHEREAS, the Burrillville Town Charter, Sec. 19.15, provides that the Town Council, by resolution, may amend the Charter to realign functions prescribed by the Charter to the appropriate departments and to make necessary changes in the section and article numbers of the Charter to reflect the changes in the amendments adopted by the electors of the Town, including the authority to edit the text of the Charter; and

WHEREAS, the 2015 Charter Review Commission has identified several areas of the charter that reference obsolete ordinance and charter numbering.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby amend the Burrillville Town Charter pursuant to Sec 19.15, as follows:

Section 10.05(I)(5)
5) Continuation. Upon the certification of any such petition for a referendum by the canvassing authority pursuant to subsection 11.05 10.05 (I) 2 and 3 of this article, if such petition calls for the reduction or elimination of an item or items in the budget as adopted, expenditures shall continue to be made at the same rate in
accordance with subsection 10.04 (k) of this article, until the referendum thereon has been held and the issue resolved; provided however, that in the case of a petition calling for a reduction in the total School Department budget, the School Department may continue to spend and/or obligate funds until the referendum is resolved, so long as the rate of expenditure and/or obligation does not exceed that of the previous fiscal year during the same period of time.

Section 12.04. - Powers and Duties.
The Planning Board shall have such powers and perform such functions as are granted or assigned to it by the General Laws of Rhode Island or by town ordinance. The Planning Board shall administer the sub-division ordinance of the Town as required by that ordinance. Without exclusion of other powers and duties stated in the General Laws of Rhode Island or town ordinances it shall also be responsible to undertake such other work as may be assigned by the Town Council in connection with the physical growth and development of the Town as affecting the health, safety, morals and general welfare of the people and economy and efficiency of community life. The Planning Board shall provide accurate records of its examinations, official actions, and all proceedings to the Town Clerk in accordance with section 4.02 E.

Section 12.08. – Powers and Duties.
(E) The Board shall hear and decide special use permits to the terms
of the ordinance, only when such special exception is specifically listed as "Use allowed by special exception" in Section 11-5 30-5, Zoning District Use Regulations of the local zoning ordinance.

Section 14.02. - Powers and Duties.
The Department of Public Works shall be responsible for the functions and services of the Town, relating to highways, bridges, engineering, public parking lots, solid waste disposal, including maintaining town grounds, public parks, playgrounds, beaches, recreation facilities and public buildings, except those of the School Department, unless requested under Section 11.10 (H), and such other public works activities as may be defined by ordinance.

Section 17.08. - Charter Amendments.
The first amendment to the Charter, as approved by the electorate on November 6, 1990, became effective January 1, 1991.
The second amendment to the Charter became effective January 1, 1997.
The third amendment to the Charter shall became effective January 1, 2005.
The fourth amendment to the Charter became effective January 1, 2011.
The fifth amendment to the Charter shall become effective January 1, 2017.

Motion by Councilor David J. Place. Seconded by Councilor Kimberly
Brissette Brown. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

VOTED to include questions #1 through #7 recommended by the 2016 Charter Review Commission on the November 2016 ballot, as follows:

#1: AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
INCREASES TIMEFRAME TO HOLDING RECALL ELECTION
Shall Section 2.07, “Submission to Voters”, of the Charter be amended to change the schedule for a vote of the Town on a recall petition to provide for a vote to be held not less than 60 (sixty) days and not more than 90 (ninety) days from the date that the Board of Canvassers certified the petition as sufficient? (Amends §2.07 of the Charter)

#2: AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
ALLOWS FOR PAYMENT BY TOWN BY MEANS OTHER THAN BY CHECK
Shall the Town be authorized to make payments by means other than by check, such as electronically? (Amends §8.09E of the Charter)

#3: AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
BUDGET SCHEDULE AND PROCEDURE
Shall all Town departments, commissions, offices and agencies be required to submit their estimates for capital and operating
expenditures for the ensuing year by no later than the second Monday in January? (Amends §10.05(A))

#4: AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
DEPARTMENT OF PLANNING AND DEVELOPMENT/MINIMUM HOUSING OFFICER
Should §12.11 of the Charter dealing with the Minimum Housing Officer enforcing an obsolete Town Ordinance be repealed in its entirety? (Amends §12.11).

#5: AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
SEALER OF WEIGHS AND MEASURES
Should §18.03 of the Charter creating the office of Sealer of Weights and Measures be repealed in its entirety because it is a position now governed by the State of Rhode Island, Department of Labor and Training? (Amends §18.03).

#6: AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
DEPARTMENT OF PUBLIC WELFARE
Shall §18.05 of the Charter dealing with the Department of Public Welfare be repealed in its entirety because that service is now provided by the State of Rhode Island? (Amends §18.05).

#7: AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
DUTIES OF TOWN SOLICITOR
Shall the Charter be amended to provide that the School Committee may retain its own independent legal counsel as they deem necessary and convenient? (Amends §7.03).

Motion by Councilor Nancy F. Binns. Seconded by Councilor David J.
Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

9. New Business:

16-194 VOTED to open the correspondence from James Langlois, Chairman, Burrillville Redevelopment Agency, regarding the Outstanding Municipal Partner Award presented by Neighborworks Blackstone River Valley.

Motion by Councilor David J. Place. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

Discussion: James Langlois, Chairman, Burrillville Redevelopment Agency, presented the Outstanding Municipal Partner Award. The Redevelopment Agency, Town Council, Town Manager and Planning Department were recognized. There were no votes taken.

16-195 VOTED to open the correspondence from Terri Lacey regarding her request to discuss the tax treaty with the council.
Motion by Councilor Michelle D. Bouchard. Seconded by Councilor Nancy F. Binns. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

Discussion: Resident Terri Lacey discussed the potential tax agreement between the Town of Burrillville and Invenergy Thermal Development LLC. Residents proposed provisions they want included in an agreement. The matter was discussed. There were no votes taken.

16-196 Correspondence from Gabrielle Abbate regarding her resignation from the Juvenile Hearing Board.

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

Motion by Councilor David J. Place. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.
Correspondence from David J. Place, Chairman, Screening Subcommittee, regarding the Subcommittee’s recommendations.

VOTED to appoint, as recommended, as follows:

A) Appointment of Michael J. Dutilly Sr. as a member of the Burrillville Extended Care Board of Directors to serve an unexpired three-year term to expire October 31, 2017
B) Reappoint Margaret Dudley as a member of the Jesse M. Smith Library Board of Trustees to serve a three-year term to expire June 30, 2019
C) Reappoint Karen Francisco as an alternate member of the Budget Board to serve a one-year term to expire June 30, 2017
D) Reappoint Thomas H. Rambacher as an alternate member of the Budget Board to serve a one-year term to expire June 30, 2017
E) Reappoint Robert G. Tetreault as a member of the Budget Board to serve a three-year term to expire June 30, 2019
F) Reappoint Raymond Trinque as a member of the Sewer Commission to serve a three-year term to expire June 30, 2019

Motion by Councilor Nancy F. Binns. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor
Stephen N. Rawson was excused.

16-198 VOTED to open the correspondence from Fr. Peter John Sheehan, Pastor, St. Joseph’s Roman Catholic Church, regarding his request for an amendment to the Ordinances of the Town of Burrillville designating certain portions of Sayles Avenue as handicapped parking.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

VOTED to refer to the Ordinance Subcommittee.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Donald A. Fox. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

16-199 Correspondence from Bob Billington, RI Paths to Progress regarding his request for a resolution supporting the completion of
Rhode Island’s Statewide Bicycle Transportation System.

VOTED to adopt a resolution, as follows:

Burrillville Town Council Resolution
Rhode Island’s Statewide Bicycle Transportation System

Whereas, Over the last two decades the State of Rhode Island has constructed over 60 miles of bicycle paths under varied stages of completion, providing off road access to cyclists in all regions of the State, and
Whereas, These bikeways serve our State as important modes of intermodal transportation connecting our communities, expanding tourism and recreational access for residents, promoting sustainable local economic development and providing safe routes for cyclists and pedestrians using these bikeways, and
Whereas, There are currently eight completed Bike Paths within the State of Rhode Island that connect people to urban neighborhoods, suburban villages, coastal communities and other destinations of historic, cultural and recreational interest, and
Whereas, It is vital that our network of bike paths be complete and closes the gaps in expanding the bikeways Statewide so that they can be accessible to the public for all users and abilities, and
Whereas, Within the nine municipalities of the Blackstone River Valley, completion of a statewide bikeway system will help to enable citizens to discover the newly established Blackstone River Valley
National Historical Park, interpreting Rhode Island’s legacy as the birthplace of America’s Industrial Revolution, and
Whereas, The value of completing a statewide bicycle transportation system not only promotes a healthy quality of life for people, it further enhances the value of our businesses, and
Whereas, The State of Rhode Island in its Transportation 2035 State Guide Plan calls for the maintaining and expanding of Bike Paths as a safe means for travel and recreation, tourism, public health, and as a means to reduce pollution and traffic congestion.

Now therefore be it resolved that we, the Town Council of the Town of Burrillville respectfully request that the General Assembly include in the State Fiscal 2017 Budget an authorization for public referenda at the November 2016 General Election to submit to the voters for approval a bond issue to fund completion of the statewide bicycle transportation system.

Motion by Councilor Michelle D. Bouchard. Seconded by Councilor Nancy F. Binns. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

16-200 VOTED to open the correspondence from Spectra Energy regarding Algonquin Gas Transmission LLC – Access Northeast
Project (Pre-filing Docket No. PF16-1-000) relative to potential construction of a liquefied natural gas (“LNG”) storage facility in New England.

Motion by Councilor Donald A. Fox. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

Discussion: There was discussion that Burrillville had been mentioned as a potential location of a liquefied natural gas (“LNG”) storage facility. The matter was discussed. The Town may consider filing as an intervenor when the time is appropriate. There was no vote taken.

10. Town Clerk/Communication:

16-201 VOTED to receive and file House Bill 2016 – H8250, An Act Relating to Taxation – Property Subject to Taxation – Burrillville (Authorizes the town of Burrillville to extend its tax-stabilization program to cover mixed-use properties); effective without Governor’s signature.

Motion by Councilor David J. Place. Seconded by Councilor Kimberly
Brissette Brown. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

11. Additional New Business:

16-202 VOTED to grant an annual Hawkers & Peddlers license to Jason Case for a coffee truck to apply throughout the Town of Burrillville; subject to all requirements being met.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Donald A. Fox. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N. Rawson was excused.

12. VOTED to adjourn.

Motion by Councilor David J. Place. Seconded by Councilor Donald A. Fox. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown, Donald A. Fox and David J. Place. Councilor Stephen N.
Rawson was excused.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk