

REGULAR MEETING of the Burrillville Town Council held Wednesday, April 9, 2014 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 March 26, 2014, the special meeting held March 20, 2014 and the joint meetings held March 25, 2014 and April 2, 2014 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 Edward J. Blanchard announced the Relay for Life meeting schedule.

5. **Special Business:**

- 14-079 **VOTED** to adopt a proclamation honoring Nathan Russell of Pascoag upon his elevation to the rank of Eagle Scout, as follows:

***Burrillville Town Council
Proclamation***

- Whereas,** Nathan Russell is being honored for his achievements in Scouting after having attained the level of Eagle Scout; and
- Whereas,** As a member of Troop 102 in Mapleville, Nathan has earned 34 merit badges and the Bronze Palm. He has served his troop in a variety of leadership roles including Senior Patrol Leader, Patrol Leader, Troop Guide and Quartermaster; and
- Whereas,** Nathan is a senior at Burrillville High School and will start his post secondary education at CCRI continuing on to URI in hopes of studying in the fields of Pharmacy or Chemistry; and
- Whereas,** Nathan benefits from the support of his family; his father and mother, Mark Russell and Patricia Russell, as well as his step father James Fleming and siblings Jake Russell, Erin Detrude and James and Matthew Fleming; and
- Whereas,** Nathan's Eagle Scout project was to build a large portable, handicap accessible sand box for the patients of the Alzheimer Unit at Bayberry Commons Nursing and Rehabilitation Center. The sand box is portable and may be used inside or outside for sensory and physical therapy for the residents; and
- Whereas,** Nathan's project involved many hours of planning and hard work. Nathan coordinated all aspects of the project, including obtaining donations from local

home improvement stores to coordinating volunteers which included fellow scouts;
and

Whereas, on this day, Nathan Russell is being elevated to the level of Eagle Scout and the Town Council of the Town of Burrillville joins his family in congratulating him on his achievement.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville on this 3rd day of May 2014 do hereby honor and commend Nathan Russell for obtaining the rank of Eagle Scout and all of the accomplishments that entails and wish him well on his advancement through the ranks of the Boy Scouts and in all of his future endeavors.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John F. Pacheco III. 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.

6. **Petitions:** None

7. **Public Hearing:** None

8. **Unfinished Business:**

14-068 **VOTED** to open the revised resolution adopting the Capital Improvement Program for fiscal year ending June 30, 2015.

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.

VOTED to adopt the revised resolution adopting the Capital Improvement Program for fiscal year ending June 30, 2015, as presented, as follows:

**Burrillville Town Council - Resolution
Capital Improvement Program for Fiscal Year Ending June 30, 2015**

The Capital Improvement Program resolution adopted March 26, 2014 is hereby repealed and replaced with the following:

The Capital Improvement Program for fiscal year ending June 30, 2015 is hereby adopted. The total appropriation is \$3,968,740, is detailed on the attached "Town of Burrillville Capital Improvement Program Five Year Plan 2015 – 2019", which is incorporated in this resolution by reference.

Included in the total amount to be adopted is an amount of \$897,482, which is to be appropriated to the Reserve for Major Capital Projects Fund.

As it relates to the School Department project budget in the amount of \$1,200,538, each project and its estimated cost needs to be itemized and if a project is not approved by the State through the RIDE (Rhode Island Department of Education) program, funding for that project will not be released for use to the School Department in FY2015.

Adoption of this resolution shall have the effect of amending and superseding prior votes related to funding sources for FY2015 School capital improvement projects.

The Capital Budget as presented is adopted and shall be included in its entirety in the annual budget for Fiscal Year Beginning July 1, 2014. The Town may encumber funds against these

accounts prior to July 1st. This will allow the Town to enter into contracts prior to the effective date of July 1, 2014.

Motion by Councilor Edward J. Blanchard. 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.

13-210 **VOTED** to open the revised RIDE – School 5-Year Capital Infrastructure Funding Plan originally adopted on October 9, 2013 and previously amended on November 13, 2013.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor John F. Pacheco III. 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 revised RIDE – School 5-Year Capital Infrastructure Funding Plan, as follows:

RIDE - School 5 Year Capital Infrastructure Funding Plan – (\$3,566,324)						
Immediate Needs - per School Administration						
Feasibility Study						\$ 50,000
High School Roofs A & B						1,339,920
A						785,620
B						554,300
Total:						\$ 1,389,920
				Funding Sources		
5 Year Plan	All Building Projects	Roofs	Transfer for Professional Services (from unexpended funds FY2014 Feasibility Study & BHS roofs)	Total Capital Requirements	Major Capital	School Annual CIP (\$400,000)
2014	50,000			50,000	50,000	
2014	151,276	1,339,920	135,430	1,626,626	1,626,626	
2015	673,298	527,240		1,200,538	527,240	673,298
2016	226,394			226,394		226,394
2017	186,988			186,988		186,988
2018	275,778			275,778		275,778
Total:	1,563,734	1,867,160	135,430	3,566,324	2,203,866	1,362,458
\$1,389,920 in 2014 includes immediate needs of \$50,000 (feasibility study) and \$1,339,920 (roofs A and B).						
Note: \$151,276 listed in 2014 appears to be CIP requests that go beyond the approved CIP budget for the schools (FY2014).						
Amended by 11/13/13 vote of the Burrillville Town Council: Roofs for 2017 and 2018 deferred.						
Note: SFE Boiler Conversion: #2 fuel oil and natural gas: Est. \$64,900 to be funded separately						

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.

14-026 **VOTED** to open discussion of a motion that the \$106,482 remaining in the Route 102 Revolving Fund be transferred to the Burrillville Redevelopment Agency for future redevelopment activities.

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: There was a discussion of control of funds, the joint meeting with the Redevelopment Agency, the Redevelopment Agency program of work, the process of establishing redevelopment districts and other projects for which this funding might be used.

MOTION to transfer the \$106,482 remaining in the Route 102 Revolving Fund to the Burrillville Redevelopment Agency for future redevelopment activities.

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

9. New Business:

14-080 **VOTED** to open the report of Sandra P. Mundy, Director, Jesse M. Smith Memorial Library, regarding adding Sunday hours of operation at the library.

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: Sandra P. Mundy, Director, Jesse M. Smith Memorial Library and Aaron Coutu, Jesse M. Smith Memorial Library Board of Trustees, presented a report relative to adding Sunday hours of operation at the library. A copy of the report is on file with the record of the minutes. Discussion followed.

VOTED to receive and file, with thanks.

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.

14-081 **VOTED** to declare vacant a seat on the Budget Board and refer the vacancy to the Screening Subcommittee.

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.

Note: The seat held by Michael Molloy was declared vacant.

14-082 **VOTED** to receive and file the correspondence from Councilor David J. Place regarding his resignation as liaison to the Burrillville Industrial Foundation.

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.

Legislation

14-083	Consider and act on legislation pending before the Rhode Island General Assembly		
A	S 2018 H 7430	Relating to Taxation – Levy & Assessment of Local Taxes	Would increase the maximum tax from 8% to 10% of gross scheduled rental income to be eligible for low-income housing
B	S 2104 H 7126	Relating to Towns and Cities – General Powers – Background Checks	Would require municipal recreation departments to obtain written authorization to perform a background check on a volunteer or employee; also provides for fire districts to request background checks
C	S 2085 H 7628	Relating to Towns and Cities – Low and Moderate Income Housing	Would allow mobile and manufactured homes which are a part of a mobile and manufactured home park to be counted as low and moderate income housing for purposes of compliance with the requirements of the town’s comprehensive land use plan
D	H 7247	Relating to Highways – Municipal road & Bridge Revolving Fund	Would raise the maximum amount of financial assistance available; would provide that assistance be paid over a 10 year period
E	H 7270	Relating to Courts and Civil Procedures -	Would cause pre-judgment interest in a civil action to accrue only upon the filing of a civil action
G	S 2032	Relating to Courts and Civil Procedures – Procedure Generally	Would reduce the statutory interest on judgments
H	S 2078	Relating to taxation – Levy and Assessment of Local Taxes	Would increase to 6 years the interval of time within which a town must conduct an update of revaluation
I	S 2593	Relating to parks & recreation – public use of private lands – liability limitations	Would change the definition of “owner” to exclude the state and municipalities

VOTED to support A,B,C,D, E,G,H,I, as presented and recommended by the administration.

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.

F	H 7747	Relating to Education – the Education Equity and Property Tax Relief Act	Would require the state to pay for the education of students placed in group homes outside of their municipality
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VOTED to open F.

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 support by resolution, as follows:

**Resolution Opposing 2014 – S 2593
An Act Relating to Parks & Recreation –
Public Use of Private Lands – Liability Limitations**

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2593, An Act Relating to Parks & Recreation – Public Use of Private Lands – Liability Limitations. This act would change the definition of “owner” to exclude the state and municipalities for the purposes of liability limitations relating to public use of private lands.

The Burrillville Town Council has long held that the current recreation immunity law best serves the taxpayers as it relates to financial liability and appropriate access to recreational areas. Therefore the Town Council voted unanimously to oppose this bill.

NOW, THEREFORE, BE IT RESOLVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

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.

14-084 **VOTED** to support the Foster Town Council resolution opposing 2014 – S 2677 and 2014 – H 7631, Relating to Levy and Assessment of Taxes

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.

- 14-085 **VOTED** to receive and file a request from the Smithfield School Committee for support of their resolution opposing 2014 – H 7757 Relating to Education – School Committees and Superintendents

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.

10. Town Clerk/Communication:

- 14-086 **VOTED** to receive and file, with thanks, the Earth Day poster contest awards ceremony announcement.

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.

- 14-087 **VOTED** to receive and file the Town of Burrillville Public Information Meeting Notice and CDBG 2014 Planning Schedule.

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.

Note: the second public hearing and town council review and approval is scheduled for the May 28, 2014 Town Council meeting.

- 14-088 **VOTED** to receive and file the notice of Gloucester Town Council Public Hearing relative to the Bella Vista Group LLC request for Zoning Map Amendment.

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.

11. Additional New Business: None

12. VOTED to adjourn at 7:47 P.M.

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.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk