

REGULAR MEETING of the Burrillville Town Council held Wednesday, February 14, 2024 at 7:00 P.M. in the Burrillville Town Building, 105 Harrisville Main Street, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Donald A. Fox and Councilors Stephen N. Rawson, Dennis M. Anderson, Justin P. Batalon, David Houle and Raymond J. Trinque.

MEMBERS ABSENT: Councilor Jeremy P. Bailey was excused.

Also Present: Representatives David J. Place and Brian C. Newberry, and Senator Jessica de la Cruz.

1. Council President Donald A. Fox led those present in pledging allegiance to the flag.

2. **Public Comment:** None

3. **General Good and Welfare of the Town of Burrillville:**

Councilor Justin P. Batalon commended the DPW on keeping the roads clear of snow and water.

4. **Consent Agenda:**

Note: All items on the consent agenda were acted on as one item and equivalent to taking the action on each item individually.

24-024 VOTED to approve the minutes of the regular meeting of January 24, 2024, and the special meeting of January 30, 2024; and dispense with the reading of said minutes.

24-025 VOTED to receive and file the executed deed restriction and grant agreement with Rhode Island Housing for the Pre-development Grant for 2024 for the Pleasant Street Affordable Housing Initiative on the property located at 0 Pleasant Street (Burrillville Assessor's map 157, lots 221 & 222).

24-026 VOTED to receive and file the revised Subdivision and Land Development Regulations adopted by the Planning Board at their meeting of January 8, 2024.

24-027 VOTED to refer to the Screening Subcommittee the following applications:

- Michael Gingell for appointment to the Burrillville 250 Commission;
- Mark Farrar, Tracey Keegan and Erika Doherty for reappointment to the Zoning Board of Review;
- James Langlois, George Lough III and Mary Leach for reappointment to the Redevelopment Agency;
- Steven Foy, Bruce Ferreira and Joshua Razee for reappointment to the Planning Board.

APPROVED
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Motion by Councilor Justin P. Batalon. The motion carried unanimously by the six members present.

5. Special Business:

- 24-028 VOTED to grant to St. Theresa Shrine, to apply at 35 Dion Drive (Map 097, Lot 016), licenses as follows, with the stipulation that all requirements are met:
- a) Special event victualing license for events during 2024; and
 - b) Class F liquor license for the parish bazaar on December 7, 2024.

Motion by Councilor Justin P. Batalon. The motion carried unanimously by the six members present.

6. Petitions: None

7. Unfinished Business: None

8. Public Hearings: None

9. New Business:

- 24-029 Correspondence from Jeffrey McCormick, regarding his recommendations on awarding the bid for the Proposed Water Loop and Sewer Extension Project (bid #24-002); and funding for the project; or take any other action thereon.

Discussion: Jeffrey McCormick, Department of Public Works Director, explained that use of American Rescue Plan Act (ARPA) funds was already approved for this project. Since the initial plan there has been new regulations regarding wetlands so we've had to reduce the scope of the project. Also since the initial plan, we've received a grant from the RI Ready program. Therefore, because of the reduced scope and the grant, we will only need \$792,000 of the already approved ARPA funds. His recommendation also includes awarding the bid for the project to Boyle and Fogarty Construction Co. of Smithfield, RI, who was the lowest bidder.

VOTED to approve funding of reduced scope, Proposed Water Loop and Sewer Expansion Project with \$800,000 from the Rhode Island Ready Grant; \$792,000 from the already approved ARPA funds for this project; up to \$100,000 from the Major Capital Fund (#3820) in case the grant funding falls short and use of Major Capital Funds (#3820) to pay for project expense until reimbursement from RI Ready grant is received; and

VOTED to award the contract for Proposed Water Loop and Sewer Expansion Project (bid #24-002) with reduced scope to Boyle and Fogarty Construction Co., Smithfield, RI for the reduced scope base bid price of \$1,516,370.26.

Motion by Councilor Raymond J. Trinque. The motion carried unanimously by the six members present.

NOTE: Council President Donald A. Fox announced that items #24-35 through #24-040, listed under Legislation, would be taken up at this time.

- 24-035 Consider and act on adopting a resolution in support of the Rhode Island League of Cities and Towns 2024 legislative priorities; or take any other action thereon.

Discussion: Michael C. Wood, Town Manager, gave an overview of the League of Cities and Towns' (the League) legislative priorities for 2024. He acknowledged that the League is made up of many cities and towns with different priorities, but this list is a summary. As the legislative season progresses, the Town can consider each piece of legislation as they come up to decide whether we support or oppose them.

Representative Brian C. Newberry observed that the League tends to cater to the bigger towns and cities and not so much the smaller towns like Burrillville. There was agreement to this, especially when it comes to housing. Councilor Raymond J. Trinqué expressed his displeasure at the support from the League in the past few years. It was noted that other communities like ours are feeling the same way.

Council President Donald A. Fox noted that he had been contacted by the new chair of the League asking for his concerns. The feeling of the lack of support from the League was discussed.

Councilor Justin P. Batalon noted that we may not necessarily support the League, but we do support the issues in the resolution. There was general agreement.

Mr. Wood explained that adopting this resolution would allow him or the Council President to respond in a timely manner when legislation comes up and there's no time to get it to the full Town Council.

VOTED to adopt a resolution in support of the Rhode Island League of Cities and Towns 2024 legislative priorities, as follows:

**Burrillville Town Council Resolution
in support of
Rhode Island League of Cities and Towns
2024 Legislative Priorities**

WHEREAS, all 39 cities and towns are members of the Rhode Island League of Cities and Towns; and

WHEREAS, the Rhode Island League of Cities and Towns serves as a convener and advocates to the Governor and General Assembly to support the needs of municipalities throughout the state; and

WHEREAS, the Rhode Island League of Cities and Towns believes in:

- Supporting robust local government funding through municipal aid programs, education aid and grants.
- Increasing opportunities, through various methods, to provide options to manage local revenues.
- Fully funded policy proposals and programs, particularly related to workforce management and personnel costs.

- Adopting policies that support 39 distinct communities, avoiding one-size-fits-all solutions, especially regarding land use, business licensing and other important policy areas.
- Maintaining local control and decision-making that reflects community needs, including land use, business operations, licensing, etc.
- Supporting greater flexibility for local government to innovate, improve efficiency and save tax dollars.
- Creating equitable and reliable school funding programs for communities.

WHEREAS, the Rhode Island League of Cities and Towns surveyed all 39 members to develop legislative priorities for the 2024 session of the Rhode Island General Assembly; and

WHEREAS, stable local and education aid from the state will ensure that cities and towns can maintain municipal operations while investing one-time Federal funds toward necessary capital improvements and economic recovery; and

WHEREAS, property taxes represent approximately two-thirds of revenue for municipal budgets statewide, and Rhode Island has the eighth-highest property tax burden in the nation; and

WHEREAS, any reduction in state funding would exacerbate a dependence on property taxes, ultimately leading to service reductions, layoffs and property tax increases; and

WHEREAS, Rhode Island's municipalities are an important piece of Rhode Island's economic success.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Burrillville supports the priorities identified by the Rhode Island League of Cities and Towns on behalf of the 39 cities and towns in Rhode Island.

Motion by Councilor Dennis M. Anderson. The motion carried; five in favor, one opposed, and one excused. Voting in favor were Council President Donald A. Fox, and Councilors Stephen N. Rawson, Dennis M. Anderson, Justin P. Batalon and David Houle. Voting in opposition was Councilor Raymond J. Trinque. Councilor Jeremy P. Bailey was excused.

24-036 Consider and act on adopting a resolution in support of House Bill 2024 – H 7462 relating to amendments to the Energy Facility Siting Act; or take any other action thereon.

Discussion: Representative David J. Place noted that this is mostly the same legislation that they introduced last year. Senator Jessica de la Cruz noted that there is a Senate version, they are working on matching it to the House version. Mrs. de la Cruz suggested that as it was met with skepticism in the Senate last year it may fair better if somebody from the Town meet with members of the committee to discuss the proposed changes to the Energy Facility Siting Act.

VOTED to adopt a resolution in support of House Bill 2024 – H 7462 relating to amendments to the Energy Facility Siting Act, as follows:

**Burrillville Town Council Resolution
Supporting House Bill 2024 – H 7462
Relating to Amendments to the Energy Facility Siting Act**

- Whereas, the Energy Facility Siting Act was enacted in 1986; and
- Whereas, after over 35 years of change to climate and environmental policy, the Energy Facility Siting Act requires global review and revision; and
- Whereas, the legislative findings of the Act, that "... the evaluation of proposals must recognize and consider the need for these facilities in relation to the overall impact of the facilities upon public health and safety, the environment and the economy of the state" are more true today than ever, having significant impact on all Rhode Islanders; and
- Whereas, legislation has been introduced to propose amendments to the Energy Facility Siting Act; and
- Whereas, these proposed amendments would recognize that a host community for a proposed or existing major generating facility is uniquely affected by the facility siting process; increase the membership of the siting board from three to five members; mandate inclusion and participation of the host community of the facility as well as the public in the affected cities and towns; and spell out requirements for hearing officers and public member of the board; and
- Whereas, the host community for proposed energy facilities is significantly impacted by the law and related process; and
- Whereas, the proposed amendments to the Energy Facility Siting Act will provide greater protection and support for the needs of host and abutting communities; and
- Whereas, the proposed amendments would streamline the siting procedure and safeguards the need for reliable and affordable sources of energy while simultaneously protecting the state's environmental resources, and the health and safety of the citizens of Rhode Island.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, hereby instruct that the town clerk is to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island and the League of Cities and Towns seeking their support of House Bill 2024 – H 7462 and any Senate companion bill.

Motion by Councilor Justin P. Batalon. The motion carried unanimously by the six members present.

- 24-037 Consider and act on adopting a resolution in support of Senate Bill 2024 – S 2096 Relating to State Affairs and Government – Law Enforcement Officers’ Bill of Rights; or take any other action thereon.

Discussion: Representative Brian C. Newberry explained that there are a few versions of this in the House. This has been introduced for a few years. It passed the Senate last year, but the House ran out of time. The Speaker of the House has promised to do something this year. Representative David J. Place said there is a House version that is close to this Senate bill.

Michael C. Wood, Town Manager, said there has been a lot of compromise and this Senate bill is supported by the League of Cities and Towns and police chiefs in the State, including Col. Lynch.

VOTED to adopt a resolution in support of Senate Bill 2024 – S 2096 Relating to State Affairs and Government – Law Enforcement Officers’ Bill of Rights as follows:

**Burrillville Town Council Resolution
in support of Senate Bill 2024 – S 2096
Relating to State Affairs and Government –
Law Enforcement Officers’ Bill of Rights**

- WHEREAS, during the Summer of 2020, the Rhode Island League of Cities and Towns established a working group to consider reforms to the Law Enforcement Officers’ Bill of Rights (LEOBOR); and
- WHEREAS, the group recommended changes to LEOBOR, many of which have been incorporated in Senate Bill 2024 – S 2096; and
- WHEREAS, many well intentioned, interested parties have been working for years to update LEOBOR; and
- WHEREAS, additionally, over the past several years, members have been working closely with stakeholders, including the Rhode Island Police Chiefs’ Association, to ensure that we can achieve our shared goals; and
- WHEREAS, after years of negotiations, the principal points needed to modify LEOBOR are aligned, with minor differences which can and should be reconciled. We respectfully raise the following considerations:
- While the legislation expands the hearing board to five people, the inclusion of the Nonviolence Institute may not meet the requisite background in law enforcement and/or labor law. The Institute is a valued partner in our communities preventing violence and crime; however, the panel will be reviewing internal processes and legality of claims.
 - Under this bill, the Police Officers Commission on Standards and Training has an expanded role, it is our understanding that they do

not currently have a budget, staff or any of the resources needed to execute the responsibilities outlined in this bill.

- In regards to posting of officers' names, we oppose requiring names of officers who are in process of being disciplined to be posted online. Mandatory disclosure should occur once the hearing process is complete and if the panel upholds the recommendation of discipline in cases of violations of policy regarding use of force, honesty or integrity.

WHEREAS, Senate Bill 2024 – S 2096, as introduced, was read and passed by the Senate Judiciary Committee, and subsequently referred to the House Judiciary; and

WHEREAS, the Town supports the League of Cities and Towns position on the make up of the hearing board, but if compromise is needed to pass the other important reforms, we implore the parties to find common ground this legislative session.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Burrillville supports Senate Bill 2024 – S 2096 with the amendments as suggested herein.

BE IT FURTHER RESOLVED, that the Town Council of the Town of Burrillville respectfully requests members of the House Judiciary Committee, the entire Burrillville delegation and all of the members of the General Assembly to support Senate Bill 2024 – S 2096 with the amendments as suggested herein.

Motion by Councilor Raymond J. Trinque. The motion carried unanimously by the six members present.

VOTED to draft and adopt a resolution in support of House Bill 2024 – H 7263, which is a close version of Senate Bill 2024 – S 2096.

Motion by Councilor Raymond J. Trinque. The motion carried unanimously by the six members present.

- 24-038 Consider and act on establishing Burrillville Town Council's legislative priorities for the 2024 legislative season; or take any other action thereon.

Discussion: The legislation on the Town's priorities list was discussed. The list of legislative priorities in filed with the record of this meeting. There was no action taken on this item.

- 24-039 VOTED to support the resolution from the Town of Charlestown in support of full funding of categorical transportation aid.

Motion by Councilor Justin P. Batalon. The motion carried; five in favor, one opposed, and one excused. Voting in favor were Council President Donald A. Fox, and Councilors Stephen N. Rawson, Dennis M. Anderson, Justin P. Batalon and David Houle. Voting in opposition was Councilor Raymond J. Trinque. Councilor Jeremy P. Bailey was excused.

- 24-040 Consider and act on legislation pending before the Rhode Island General Assembly; or take any other action thereon.

There was no action taken on this item.

Note: The Town Council continued with the remaining agenda items in the order they appeared on the agenda.

- 24-030 Consider and act on a request from Stephen N. Rawson, Town Council Vice President, to discuss a possible resolution outlining concerns with the continuing cuts to school aid; or take any other action thereon.

Discussion: Council Vice President Stephen N. Rawson pointed out that at the pre-budget meeting with the School Department we learned that Burrillville will be facing cuts in education aid from the State again this year, as will be happening in many communities throughout the State. He mentioned legislation introduced, for the third year in a row, to prohibit the amount of aid paid to a community from being reduced by more than one percent of the municipal education appropriation in the previous fiscal year. In previous years this legislation did not get much traction. He suggested that we reach out to those other communities to work together to support this legislation.

Senator Jessica de la Cruz suggested that it would have a greater impact if each of those communities come to the State House to testify.

Representative Brian C. Newberry stated that having school committees and local teacher unions put pressure on the General Assembly. They should be advocating for level funding of State aid.

It was noted that there is still some time to work on getting something together before the State budget is being considered. We should have until mid-May.

VOTED to authorize the Administration to draft a letter to the communities affected by the State education funding cuts addressing those cuts and advise them that a resolution will be forthcoming.

Motion by Councilor Stephen N. Rawson. The motion carried unanimously by the six members present.

- 24-031 Consider and act on a request from Councilor David Houle to consider amending §2-26 *Conduct of town council meetings* of the Burrillville ordinances to add a time limit for public comment; or take any other action thereon.

Discussion: Councilor David Houle noted that most communities have guidelines for public comment, but Burrillville does not. He's not suggesting limiting public comment, just set guidelines to make the meetings more efficient.

VOTED to refer the request for amendment of §2-26 *Conduct of town council meetings* of the Burrillville ordinances to add a time limit for public comment to the Ordinance Subcommittee.

Motion by Councilor Justin P. Batalon. The motion carried unanimously by the six members present.

- 24-032 VOTED to approve the Town Council President's recommendation to re-appoint Anita Hurley-Diez as a member on the Board of Canvassers to serve a six-year term to expire on March 4, 2030.

Motion by Councilor Raymond J. Trinque. The motion carried unanimously by the six members present.

- 24-033 Discuss and consider the general obligation bonds draft financing schedule as of February 5, 2024; or take any other action thereon.

Discussion: There was discussion of the general obligation bonds draft financing schedule. The schedule is filed with the record of this meeting. There was no action taken on this item.

- 24-034 VOTED to approve amendments to the classification plan for management and non-union supervisors, effective July 1, 2023.

Motion by Councilor Justin P. Batalon. The motion carried unanimously by the six members present.

Legislation:

- 24-035 Consider and act on adopting a resolution in support of the Rhode Island League of Cities and Towns 2024 legislative priorities; or take any other action thereon.

NOTE: This item was taken up earlier in the meeting.

- 24-036 Consider and act on adopting a resolution in support of House Bill 2024 – H 7462 relating to amendments to the Energy Facility Siting Act; or take any other action thereon.

NOTE: This item was taken up earlier in the meeting.

- 24-037 Consider and act on adopting a resolution in support of Senate Bill 2024 – S 2096 Relating to State Affairs and Government – Law Enforcement Officers’ Bill of Rights; or take any other action thereon.

NOTE: This item was taken up earlier in the meeting.

- 24-038 Consider and act on establishing Burrillville Town Council’s legislative priorities for the 2024 legislative season; or take any other action thereon.

Motion by Councilor Raymond J. Trinque. The motion carried unanimously by the six members present.

- 24-039 Consider and act on a resolution from the Town of Charlestown in support of full funding of categorical transportation aid; or take any other action thereon.

NOTE: This item was taken up earlier in the meeting.

- 24-040 Consider and act on legislation pending before the Rhode Island General Assembly; or take any other action thereon.

NOTE: This item was taken up earlier in the meeting.

10. Town Clerk/Communication: None

11. Additional new business to be considered and acted on: None

24-041 Request for executive session:

- A. VOTED to grant the request for executive session from William C. Dimitri, Town Solicitor, pursuant to Rhode Island Open Meetings Law §42-46-5(a)(2) for discussion, consideration and possible action relative to a matter of opioid litigation; or take any other action thereon.

Motion by Councilor Justin P. Batalon. The motion carried unanimously by the six members present.

- B. The Town Council returned to open session at 9:07 p.m.
- C. VOTED to seal the minutes of executive session, making note that one vote was taken.

Motion by Councilor Raymond J. Trinque. The motion carried unanimously by the six members present.

- D. Consider and act on disclosing any votes taken in executive session, as appropriate.

There was no action taken on this item.

12. VOTED to adjourn at 9:07 P.M.

Motion by Councilor Raymond J. Trinque. The motion carried unanimously by the six members present.


Vicki T. Martin, Town Clerk