

REGULAR MEETING of the Burrillville Town Council held Wednesday, November 8, 2023 at 7:00 P.M. in the Town Building, 105 Harrisville Main Street, Harrisville, RI, for and within the Town of Burrillville.

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

**MEMBERS ABSENT:** None

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 Dennis M. Anderson commented on the MADD RI event at the Crowne Plaza he attended in October. Assistant Solicitor Andrew Dimitri was awarded Prosecutor of the Year, and three Burrillville young adult members of BPAC were awarded Youth Champion. He reminded everyone about the Burrillville Bronco 5K being held at AT Levy School on November 12.

Councilor Justin P. Batalon explained that you can sign up for the Bronco 5K online at [runsignup.com](https://runsignup.com) to walk, run or just donate.

Councilor Raymond J. Trinque announced the Veterans' Day ceremony on November 11 at 11:00 in Veterans' Park on the Bridgeway; and the Connecting Kids with Veterans program at the Jesse Smith Library on November 13 at 2:30.

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.

23-331 VOTED to approve the minutes of the regular meeting of October 25, 2023; and dispense with the reading of said minutes.

Motion by Councilor Justin P. Batalon. The motion carried unanimously.

5. **Special Business:**

23-332 Consider and act on an application from Rev. Stephen J. Dandeneau d/b/a St. Joseph Church for a special event victualing license to apply at 183 Sayles Avenue (Map 174, Lot 131) for their Applefest Dinner and Raffle event on November 18, 2023.

VOTED to grant with the stipulation that all requirements are met.

Motion by Councilor Justin P. Batalon. The motion carried unanimously.

**APPROVED**  
DEC 13 2023  
*JPM*

**6. Petitions:**

- 23-333 Consider and act on claim of personal injury from Robert J. Levine, Esq., on behalf of Robert Orsini; or take any other action thereon.

Motion to receive and file.

Motion by Councilor Stephen N. Rawson. There was no second. The motion failed.

VOTED to deny the claim of personal injury from Robert J. Levine, Esq., on behalf of Robert Orsini due to lack of alleged defect, the failure to timely notify the town and the fact that the subject property does not belong to the Town; and further that a copy of this should be sent to the Rhode Island Interlocal Trust to alert them of a potential (faulty) claim.

Motion by Councilor Dennis M. Anderson. The motion carried unanimously.

**7. Unfinished Business: None**

**8. Public Hearings: None**

**9. New Business:**

- 23-334 Consider and act on a request from Raymond Goff, Town Planner, for authorization to submit an application to Rhode Island Housing for a pre-development grant for a possible affordable housing project; or take any other action thereon.

Discussion: Ray Goff, Town Planner, explained the grant and the project. He stated that the addition of these proposed affordable housing units would help the Town reach the 10% affordable housing goal and comply with State law. He explained that this is just for pre-development planning to see if the project is feasible. We would not be committing to the project at this time. The site for the proposed project was discussed. Mr. Goff indicated that he's asking for permission to submit an application on behalf of the Town of Burrillville to Rhode Island Housing for a \$250,000 pre-development grant.

VOTED to approve.

Motion by Councilor David Houle. The motion carried unanimously.

- 23-335 Consider and act on adopting resolutions authorizing the Town Manager or Town Planner to file applications for Rhode Island Recreation Acquisition and Development Grants for 2024 from the Rhode Island Department of Environmental Management; or take any other action thereon.

Discussion: Ray Goff, Town Planner, explained that these are grants RI DEM offers every two years. There are different categories for large and small recreation acquisition and development projects. He's

identified three projects that would qualify. A report of those projects is on file with the record of this meeting.

The first resolution is to authorize an application for the Recreation Acquisition Grant from RI DEM for the purchase of the Barnes property (plat 159, lot 001).

VOTED to approve the resolution as presented.

Motion by Councilor Dennis M. Anderson. The motion carried unanimously.

The resolution is as follows:

**Burrillville Town Council  
Resolution**

WHEREAS, the Rhode Island Department of Environmental Management has announced that it is accepting applications for **Rhode Island Recreation Acquisition and Development Grants for 2024**; and

WHEREAS, it is in the interest of the citizens of the Town of Burrillville that application be made to undertake the acquisition and development of recreation in the Town of Burrillville.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby authorize the following grant application:

Recreation Acquisition Grant: For the **Barnes Property Acquisition Project** (Plat 159, Lot 001) in the amount of \$125,240; hereby authorizing matching funds in an amount not to exceed \$62,620 (50% grant match) from the Major Capital Fund (Fund 3820); with matching funds subject to the grant being awarded to the Town; and

BE IT FURTHER RESOLVED that Michael C. Wood, Town Manager, or Raymond Goff, Town Planner, are hereby authorized and directed to file this application with The Rhode Island Department of Environmental Management, Division of Planning and Development, and to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the representative of the Town of Burrillville in all matters relating to this application and any award which may be based upon this application.

The second resolution is to authorize an application for the Recreation Development Large Grant from RI DEM for the development of a bicycle pump track and mountain bike course near Duck Pond.

VOTED to approve the resolution as presented, noting that it is for plat 159, lot 002, in the amount of \$400,000 with a matching amount not to exceed \$100,000 from major capital fund (#3820).

Motion by Councilor Dennis M. Anderson. The motion carried unanimously.

The resolution is as follows:

**Burrillville Town Council  
Resolution**

WHEREAS, the Rhode Island Department of Environmental Management has announced that it is accepting applications for **Rhode Island Recreation Acquisition and Development Grants for 2024**; and

WHEREAS, it is in the interest of the citizens of the Town of Burrillville that application be made to undertake the acquisition and development of recreation in the Town of Burrillville.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby authorize the following grant application:

Recreation Development Large Grant: For the **Burrillville Pump and Mountain Bike Park** (Plat 159, Lot 002) in the amount of \$400,000; hereby authorizing matching funds in an amount not to exceed \$100,000 (20% grant match) from the Major Capital Fund (Fund 3820); with matching funds subject to the grant being awarded to the Town; and

BE IT FURTHER RESOLVED that Michael C. Wood, Town Manager, or Raymond Goff, Town Planner, are hereby authorized and directed to file this application with The Rhode Island Department of Environmental Management, Division of Planning and Development, and to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the representative of the Town of Burrillville in all matters relating to this application and any award which may be based upon this application.

The third resolution is to authorize an application for the Recreation Development Small Grant from RI DEM for improvements to the entrance to Spring Lake Beach facility.

VOTED to approve the request for the Recreation Development Small Grant for the Spring Lake Accessibility Improvements Project (Plat 093 Lot 041) in the amount of \$100,000; hereby authorizing matching funds in an amount not to exceed \$25,000 (20% match which may be in-kind services) from the Major Capital Fund (Fund 3820).

Motion by Councilor Justin P. Batalon. The motion carried unanimously.

The resolution is as follows:

**Burrillville Town Council  
Resolution**

WHEREAS, the Rhode Island Department of Environmental Management has announced that it is accepting applications for **Rhode Island Recreation Acquisition and Development Grants for 2024**; and

WHEREAS, it is in the interest of the citizens of the Town of Burrillville that application be made to undertake the acquisition and development of recreation in the Town of Burrillville.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby authorize the following grant application:

Recreation Development Small Grant: For the **Spring Lake Accessibility Improvements Project** (Plat 093 Lot 041) in the amount of \$100,000; hereby authorizing matching funds in an amount not to exceed \$25,000 (20% match may be in-kind services) from the Major Capital Fund (Fund 3820); with matching funds subject to the grant being awarded to the Town; and

BE IT FURTHER RESOLVED that Michael C. Wood, Town Manager, or Raymond Goff, Town Planner, are hereby authorized and directed to file this application with The Rhode Island Department of Environmental Management, Division of Planning and Development, and to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the representative of the Town of Burrillville in all matters relating to this application and any award which may be based upon this application.

23-336 Consider and act on adopting a resolution for the issuance of bonds for the proposed multipurpose community center; establishing a side fund to segregate funding and project expenses; and transfer all grant and Town Council approved funding related to the project to that fund; or take any other action thereon.

Discussion: Leslie McGovern, Finance Director, explained that the resolution does not obligate us to go out to bond. It just provides for the issuance of bonds. If we go out to bond, we will need to establish a side fund to segregate those funds and expenses.

The plans for the proposed community center, including location, floor plan and financial impact were discussed.

VOTED to approve the resolution for the issuance of bonds and notes therefor in an amount not to exceed \$1,800,000 for the multipurpose community center, as follows:

TOWN OF BURRILLVILLE

RESOLUTION OF THE TOWN OF BURRILLVILLE APPROVING THE CONSTRUCTION, FURNISHING, EQUIPPING AND LANDSCAPING OF A MULTIPURPOSE COMMUNITY CENTER IN THE TOWN, AND APPROVING THE ISSUANCE OF BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$1,800,000

RESOLVED, That:

SECTION 1. Pursuant to Rhode Island General Laws Section 45-12-2 and Section 3.14(L) of the Burrillville Town Charter (the "Charter"), an amount not to exceed \$1,800,000 is appropriated for the construction, furnishing, equipping and landscaping of a Multipurpose

Community Center in the Town (the "Project").

SECTION 2. The Director of Finance and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding One Million Eight Hundred Thousand Dollars (\$1,800,000) bonds of the Town including, but not limited to, bonds or notes issued pursuant to financing agreements with Rhode Island Infrastructure Bank ("RIIB"), at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$1,800,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes. The Town may enter into financing and/or other agreements with RIIB pursuant to Title 46, Chapter 12.2 of the General Laws.

SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Director of Finance may expend funds from the general treasury of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officer shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; and (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Director of Finance and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Director of Finance and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure

of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 9. To the extent the bonds or notes are issued on a tax-exempt basis, the Director of Finance and the President of the Town Council are hereby authorized to take all lawful action necessary or desirable under the Internal Revenue Code of 1986, as amended (the "Code"), to ensure that the interest on the bonds and notes will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds and notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Director of Finance and the President of the Town Council are further authorized to take all lawful action necessary or desirable to designate the bonds and notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

SECTION 10. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$1,800,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 11. This resolution shall take effect upon passage.

Motion by Councilor Justin P. Batalon. The motion carried; five in favor, two opposed. 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 were Councilors Jeremy P. Bailey and Raymond J. Trinqué.

- 23-337 Correspondence from Sylvia St. Pierre, Chairperson, Burrillville School Committee regarding the School Committee's request for a joint meeting of the School Committee and the Town Council during the month of January 2024 to present the initial FY2025 School Budget.

VOTED to schedule at the call of the Council President.

Motion by Councilor Dennis M. Anderson. The motion carried unanimously.

- 23-338 Consider and act on correspondence from Kathy Martley asking if the Town Council has any information on the Enbridge Project Maple and is Algonquin going to be expanded; or take any other action thereon.

Discussion: Resident Kathy Martley discussed an article about the proposal from Enbridge to expand their natural gas pipeline. She ask what, if anything, the Town knows about their so-called Project Maple. She expressed her opposition to the proposal.

Council President Donald A. Fox informed Ms. Martley that we have had no official notification from Enbridge of this. We have second-hand information that leads us to believe that the likelihood of this project being approved is 50/50 at best. We have reached out to Enbridge and have not yet received a response. We will continue to keep our eyes on this.

There was no action taken on this item.

- 23-339 Consider and act on a show cause hearing regarding violations of the special event liquor license (Class F) issued to the Burrillville Festival Association for their Arts & Crafts Festival event in September; or take any other action thereon.

Discussion: Council President Donald A. Fox explained that the special event Class F license issued to the Burrillville Festival Association for their Arts & Crafts Festival event in September was violated by the sale of liquor; and that patrons were allowed to leave the Assembly Theatre grounds with liquor. Lisa Bevilacqua, Chair of the Burrillville Festival Association, acknowledged that she was apprised of the rules for alcohol on Town property. She also acknowledged that sangria and “adult” punch were served at this event. It was explained that this hearing was to discuss the violations of the license, but there is no fine associated with it.

Council President Donald A. Fox noted that the address used on the insurance binder was not hers and worried that it may have jeopardized insurance coverage for this event had there been any incidents.

Elayna Carpenter, of Elayna’s, explained that she was invited to serve liquor at the event and asked that she not serve beer in competition with another vendor. She was told that a license was secured to do so.

There was no action taken on this item.

**10. Town Clerk/Communication: None**

**11. Additional new business: None**

**12. VOTED to adjourn at 8:28 P.M.**

Motion by Councilor Justin P. Batalon. The motion carried unanimously.

  
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Vicki T. Martin, Town Clerk