

REGULAR MEETING of the Burrillville Town Council held Wednesday, August 8, 2018 at 7:00 P.M. in the Burrillville Town Building, 105 Harrisville Main St., Harrisville, RI, for and within the Town of Burrillville.

PRESENT: Council President John F. Pacheco III and Councilors Stephen N. Rawson, Donald A. Fox, David J. Place, John Anthony Scott and Raymond J. Trinque. Councilor Jeremy P. Bailey was tardy.

MEMBERS ABSENT: None

1. Council President John F. Pacheco led those present in pledging allegiance to the flag.
2. VOTED to accept minutes of the regular meetings held June 27 and July 11, 2018 and the joint meeting which commenced on July 9, 2018; and dispense with the reading of said minutes.

MOTION by Councilor Raymond J. Trinque. The motion carried, six in favor, one absent. Voting in favor were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Donald A. Fox, David J. Place, John Anthony Scott and Raymond J. Trinque. Councilor Jeremy P. Bailey was not present at the time of the vote.

3. **Public Comment:** None
4. **General Good and Welfare of the Town of Burrillville**

Councilor John Anthony Scott asked the administration to consider placing a mirror at Albee Lane to assist with driver visibility.

Councilor Raymond J. Trinque announced a furniture sale at Berard-Desjarlais American Legion Post 88 on August 18, 2018.

Council President John F. Pacheco III noted the fall meeting schedule for Burrillville Prevention Action Coalition (BPAC).

Council President John F. Pacheco III announced the August schedule of movies at The Assembly Theatre. He also said that The Aviators will be performing at The Assembly on September 8, 2018.

5. **Special Business to:**

- 18-183 VOTED to adopt and read a citation congratulating Town Clerk Louise R. Phaneuf on attaining the designation Master Municipal Clerk.

MOTION by Councilor David J. Place. The motion carried, six in favor, one absent. Voting in favor were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Donald A. Fox, David J. Place, John Anthony Scott and Raymond J. Trinque. Councilor Jeremy P. Bailey was not present at the time of the vote.

- 18-184 VOTED to renew Private Detective License #4, Gerald L. LaPierre.

MOTION by Councilor David J. Place. The motion carried, six in favor, one absent. Voting in favor were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Donald A. Fox, David J. Place, John Anthony Scott and Raymond J. Trinke. Councilor Jeremy P. Bailey was not present at the time of the vote.

6. Unfinished Business:

18-031 VOTED to award the Route 102 Water Line Construction project to Rosciti Construction Co., 123 King Phillip St., Johnston, in the amount of \$497,045 and to add a 15% contingency in the amount of \$75,000 (rounded), bringing the total to \$572,045.

(Adding in the materials to be paid for by Harrisville Fire District, the total project cost is \$735,948. Funds to pay the construction will be taken from the town's general fund account #0010-968349. When reimbursed by the Infrastructure Bank, the general fund account will be reimbursed)

Note: Councilor David J. Place recused from discussion and voting on item 18-031.

MOTION by Councilor Raymond J. Trinke. The motion carried, five in favor, one recusal, one absent. Voting in favor were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Donald A. Fox, John Anthony Scott and Raymond J. Trinke. Councilor David J. Place recused himself. Councilor Jeremy P. Bailey was not present at the time of the vote.

18-178 VOTED to receive and file the correspondence from Charles J. Fogarty, Director, Division of Elderly Affairs, regarding the Town's eligibility to apply for an SFY2019 State of Rhode Island Designated Grant award up to the amount of \$11,087 for senior services.

MOTION by Councilor Raymond J. Trinke.

Discussion: Michael C. Wood, Town Manager, reported that additional information is required for this grant. The administration will report once all data is received.

The motion carried, six in favor, one absent. Voting in favor were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Donald A. Fox, David J. Place, John Anthony Scott and Raymond J. Trinke. Councilor Jeremy P. Bailey was not present at the time of the vote.

7. Public Hearings:

18-185 Application for a new B(Ltd) liquor license and a new victualing license from Johnny's BBQ d/b/a Johnny's Victory Diner, to apply at 2731 Victory Hwy in a building owned by Hanaway Holdings, LLC (Map 114, Lot 54)

VOTED to open the public hearing.

MOTION by Councilor David J. Place. The motion carried, six in favor, one absent. Voting in favor were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Donald A. Fox, David J. Place,

John Anthony Scott and Raymond J. Trinqué. Councilor Jeremy P. Bailey was not present at the time of the vote.

Note: Councilor Jeremy P. Bailey arrived at this point in the meeting.

Note: Notice of public hearing was advertised in the legal section of The Woonsocket Call on July 24 and July 31, 2018

A. Comments from Applicant

Applicant John Hanaway thanked the Town Council for their consideration. He noted that a grand opening is scheduled for Saturday, August 11, 2018. Rhonda Hanaway commented on the menu.

B. Comments/ by Administration:

Applicants were wished well in their venture.

C. Proponents: none

D. Opponents: none

E. VOTED to close the public hearing.

MOTION by Councilor David J. Place. The motion carried unanimously.

F. Town Council deliberation

Members of the Town Council noted that the application was substantially complete. It was noted that the current licensee must surrender the existing license before a new license could be issued.

G. VOTED to grant a B(Ltd) liquor license to Johnny's BBQ d/b/a Johnny's Victory Diner, to apply at 2731 Victory Hwy in a building owned by Hanaway Holdings, LLC (Map 114, Lot 54).

MOTION by Councilor David J. Place. The motion carried unanimously.

H. VOTED to grant a victualing license to Johnny's BBQ d/b/a Johnny's Victory Diner, to apply at 2731 Victory Hwy in a building owned by Hanaway Holdings, LLC (Map 114, Lot 54)

MOTION by Councilor David J. Place. The motion carried unanimously.

I. VOTED to adjourn the public hearing.

MOTION by Councilor David J. Place. The motion carried unanimously.

18-186 Proposed amendments to the Revised General Ordinances of the Town of Burrillville, Chapter 8 entitled Businesses and Licensing:

Amending Article IV – Public Entertainment, Division 2 – License,
§§ 8-126 – 8-129; and

Adding Article VII – Victualing, §§8-241 – 8-244

Note: Notice of public hearing was advertised in the legal section of The Woonsocket Call on August 1, 2018

VOTED to open the public hearing.

MOTION by Councilor David J. Place. The motion carried unanimously.

A. Comments/Input/Recommendations from the Ordinance Subcommittee

Councilor Stephen N. Rawson, Chairman of the Ordinance Subcommittee, reported that the changes were not extensive but intended to update the language and to protect the Town. The Subcommittee, he said, supported the amendments.

B. Comments/Input/Recommendation by Administration – Solicitor, Town Manager and Administrative Staff

Michael C. Wood, Town Manager, noted that the Solicitor's office had recommended the amendments. The purpose was to update language and add a layer of protection.

C. Proponents: none

D. Opponents: none

E. VOTED to close the public hearing.

MOTION by Councilor David J. Place. The motion carried unanimously.

F. Town Council deliberation

Councilors David J. Place and Stephen N. Rawson reviewed the purpose of the amendments. Councilor Raymond J. Trinke stated that the business-friendly ordinance was straightforward and easy to read and understand.

G. VOTED to adopt amendments to the Revised General Ordinances of the Town of Burrillville, Chapter 8 entitled Businesses and Licensing: Amending Article IV – Public Entertainment, Division 2 – License, §§ 8-126 – 8-129, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004 as amended, Chapter 8 entitled Businesses and Licensing, is hereby amended as follows:

ARTICLE IV. - PUBLIC ENTERTAINMENT

DIVISION 1. – GENERALLY

DIVISION 2. – LICENSE

Sec. 8-126. - Required.

No person, business, entity, or organization shall host, provide, maintain, operate, or conduct entertainment to customers or the public within the town without first obtaining an entertainment license from the town council.

Sec. 8-127.- Definitions.

- a. *Entertainment* means an event or series of events or activities or business, occurring alone or as part of another business, to which the public is invited to watch, listen or participate, or is conducted for the purposes of holding the attention of, getting the attention of or diverting or amusing guests or patrons, including but not limited to singing, live music, playing of musical instruments or recorded music, whether amplified or not.
- b. *Festival* means specific public celebration or gathering which involves the use either of public parks, public buildings, public streets or private property and which includes entertainment, dancing, music, dramatic productions, art exhibition, parades or the sale of merchandise, food or alcohol, or any combination of the foregoing. Festival does not include events which are solely parades, sporting events, or political demonstrations unless the parades, sporting events, or political demonstrations are proposed as an integral part of the festival as defined herein.
- c. *Indoor* means within the exterior walls of any durable building, with doors and windows closed.
- d. *Outdoor* means beyond the exterior walls of any durable building, including without limitation, tents, gazebos and covered pavilions.

Sec. 8-128. - Application.

1. Any person, business, entity or organization applying for an entertainment license shall file an application with the town clerk on a form to be furnished by the clerk.
2. All initial applications require that the applicant provide a list of all abutting property owners, with full mailing addresses, within 200 feet of the establishment property. The town clerk shall provide written notification by first class mail, of the date and time of the town council meeting where the application shall be heard. Renewals shall not require written notification.
3. Applications found to be incomplete or erroneous, or whose applicant is delinquent in taxes or fines, may be denied by the town council.

Sec. 8-129. - Compliance with other laws.

Every applicant for a license or licensee under this article shall comply with all state, federal and local laws relative to health, safety and welfare of the public.

Sec. 8-130. - Fee.

The application fee for a license under this division shall be in the currently required amount.

Sec. 8-131. – Recommendation of chief of police.

1. The chief of police shall submit a written recommendation to the town council regarding issuance of a license for the date or dates specified in such application, including any restrictions deemed necessary.

2. Licensees holding three month and yearly licenses shall notify the police department in writing not later than the 25th day of the month of all dates in the ensuing month on which entertainment is to be offered. The notice shall include the type of entertainment to be offered.
3. The chief of police shall determine whether and to what extent additional police protection reasonably necessary for the purposes of traffic, crowd control and security will be required for the event or entertainment. Payment of all police detail assigned or provided by the town shall be paid by the applicant.

Sec. 8-132. - Suspension, revocation.

The license provided by this division may be suspended or revoked for violation of any requirement of this article including any reasonable requirement as imposed by the town council as a condition of issuing such license. The sanction imposed by this section shall be in addition to the penalty provided by section 1-6.

Sec. 8-133. - Waiver.

The town council, for due cause shown, may by majority vote waive the provision setting the time for filing applications and the requirement to pay a fee for the license.

Sec. 8-134. - Penalty for violation.

Any person who shall violate any provision of this article shall, upon conviction thereof, be punished for each violation as provided in section 1-6.

MOTION by Councilor David J. Place. The motion carried unanimously.

VOTED to adopt amendments to the Revised General Ordinances of the Town of Burrillville, Chapter 8 entitled Businesses and Licensing by adding Article VII – Victualing, §§8-241 – 8-244, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004 as amended, Chapter 8 entitled Businesses and Licensing, is hereby amended by adding the following:

ARTICLE VII. – VICTUALING
DIVISION 1. – GENERALLY

Sec. 8-237. – Definition

For the purposes of this chapter a “victualing house” is a business where food is prepared and/or consumed on the premises.

Secs. 8-238 – 8-240. – Reserved

DIVISION 2. – LICENSE

Sec. 8-241. - Required.

No person or persons shall keep a victualing house in the Town of Burrillville without first having obtained a license from the Burrillville Town Council.

Sec. 8-242. - Application.

1. Any person, business, entity or organization applying for a victualing license shall file an application with the town clerk on a form to be furnished by the clerk.
2. All initial applications require that the applicant provide a list of all abutting property owners, with full mailing addresses, within 200 feet of the establishment property. The town clerk shall provide written notification by first class mail, of the date and time of the town council meeting where the application shall be heard. Renewals shall not require written notification.
3. Applications found to be incomplete or erroneous, or whose applicant is delinquent in taxes or fines, may be denied by the town council.

Sec. 8-243. – Fees.

The fee for such license for a victualing house shall be as set from time to time by the Town Council.

Sec. 8-244. – Applicability.

A victualing license shall apply to shops, houses or places where victuals and foods are sold or furnished, whether the same is the principal business of the licensee or not.

MOTION by Councilor David J. Place. The motion carried unanimously.

VOTED to adjourn the public hearing.

MOTION by Councilor David J. Place. The motion carried unanimously.

8. Petitions:

- 18-187 Petition by Robert P. Verri, Esquire, Attorney for Carmen Cortes and Ramon Santos in accordance with Rhode Island General Laws §45-15-5, 45-15-9, et seq. for compensation for injuries and damages sustained at Spring Lake Beach.

VOTED to deny.

MOTION by Councilor David J. Place. The motion carried unanimously.

VOTED to refer to The Trust.

MOTION by Councilor David J. Place. The motion carried unanimously.

9. New Business:

- 18-188 VOTED to open the correspondence from William A. Andrews, Chairman, Burrillville Sewer Commission regarding the Commission's request that the Town Council ratify a tentative contract with the RI Laborer's District Council Local 1322 as provided in Sec 3.14.(O) of the Charter of the Town of Burrillville.

MOTION by Councilor David J. Place. The motion carried unanimously.

Discussion: There was discussion of the provisions for longevity, vacation, and the health insurance buy-out. Mr. Andrews suggested that he and the Town Council might both consult their respective attorneys on the validity of the longevity provision.

VOTED to ratify a contract between the Sewer Commission and RI Laborer's District Council Local 1322 as provided in Sec 3.14.(O) of the Charter of the Town of Burrillville.

MOTION by Councilor Raymond J. Trinque. The motion carried unanimously.

18-189 VOTED to declare surplus electronic equipment, as listed; as follows:

Asset Tag Description	Category	Brand	Model
FTX1007C163	Router Firewalls/Routers	Cisco	2811
JMX1232Lo4X	Firewall Firewalls/Routers	Cisco	ASA5510-K8 V07
FTX1118A4MP	Router Firewalls/Routers	Cisco	2811
JMX1117L1A7	Firewall Firewalls/Routers	Cisco	ASA5510-K8 V03
4054 LCD	Monitor Displays	Viewsonic	VG930M-3
3190	Rack mount UPS	UPS CyberPower	PR500LCDRT1U

MOTION by Councilor David J. Place. The motion carried unanimously.

18-190 VOTED to receive and file the correspondence from Thomas J. Kravitz, Pascoag, regarding Moody's rating and climate resilience.

MOTION by Councilor Raymond J. Trinque. The motion carried unanimously.

18-191 Proposed amendments to the Revised General Ordinances of the Town of Burrillville, Chapter 2 entitled Administration, Article IV - Boards and Commissions, by adding Sec. 2-76. Affordable Housing Board; for first reading and scheduling of a public hearing.

VOTED to schedule the public hearing at the call of the chair.

MOTION by Councilor David J. Place. The motion carried unanimously.

- 18-192 Redevelopment Agency:
- A. Application from Jeffrey J. Barr for reappointment to the Redevelopment Agency for a five-year term; to expire March 31, 2023; and
 - B. Copy of correspondence from David A. Fontaine, CPA, regarding his resignation from the Redevelopment Agency; and
 - C. Correspondence from James Langlois regarding his recommendation to elevate Mark Thompson to a full voting member of the Agency to complete the unexpired term of David Fontaine; term to expire March 31, 2022; and
 - D. Application from George J. Lough III for appointment to the Redevelopment Agency (as an alternate member to complete an unexpired term to expire March 31, 2020).

- E. Correspondence from Council President John F. Pacheco III making appointments to the Redevelopment Agency and requesting Town Council approval of those appointments.

VOTED to open.

MOTION by Councilor David J. Place. The motion carried unanimously.

Discussion: Councilor David J. Place voiced concerns about the process for appointing Redevelopment Agency members differing from the process for appointments to all other board and commission members. The process, established by state law and town ordinance, was reviewed.

VOTED to approve the appointments of the Town Council President as presented, as follows:

- Reappoint Jeffrey J. Barr to the Redevelopment Agency for a five-year term; to expire March 31, 2023
- Elevate Mark Thompson to a full voting member of the Agency to complete the unexpired term of David Fontaine; term to expire March 31, 2022
- Appoint George J. Lough III to the Redevelopment Agency as an alternate member to complete an unexpired term to expire March 31, 2020

MOTION by Councilor David J. Place. The motion carried unanimously.

The resignation of David A. Fontaine, CPA, from the Redevelopment Agency was accepted with regret. The Town Clerk will send a letter of thanks to Mr. Fontaine for his service to the community.

- 18-193 Correspondence from James H. Alix, Secretary, Burrillville Extended Care Board of Directors, regarding the resignation of Dawn Williams.

VOTED to refer to Screening and to send a letter of thanks.

MOTION by Councilor David J. Place. The motion carried unanimously.

- 18-194 VOTED to receive with regret the copy of correspondence from John M. Karmozyn Jr. to Dorothy Cardon, School Committee Secretary, regarding his resignation from the Burrillville School Committee effective November 1, 2018.

MOTION by Councilor Raymond J. Trinke.

Discussion: The Town Council and Town Manager commented on many years of devoted service to the Town by John M. Karmozyn and his late wife, Mary Margaret Karmozyn. Both had served for many years as Burrillville educators, both had served for many years on the Burrillville School Committee and John M. Karmozyn had also served on the Burrillville Town Council. Their work is appreciated. The Clerk will convey the Town Council's appreciation to Mr. Karmozyn.

The motion carried unanimously.

10. Town Clerk/Communication:

- 18-195 VOTED to open the correspondence from Charles E. Thompson, Chairman, Steering Committee, UniBank Blackstone River Valley Greenway Challenge.

MOTION by Councilor David J. Place. The motion carried unanimously.

Councilor Raymond J. Trinique commented on the bike meets that pass through Town and suggested the Town should promote these events. Councilor Stephen N. Rawson noted that the Greenway Challenge has traveled through Town for many years and discussed the Town's supporting role in past Greenway Challenges.

VOTED to receive and file.

MOTION by Councilor David J. Place. The motion carried unanimously.

- 18-196 VOTED to receive and file the correspondence from RI Department of Transportation regarding notice of availability for the Environment Assessment: toll locations 3, 4 & 6 through 13.

MOTION by Councilor David J. Place.

Discussion: Since the deadline for comment is imminent, Councilors will email Michael C. Wood, Town Manager, with their comments and he will prepare a statement.

The motion carried unanimously.

11. VOTED to receive reports A – U, as follows:

- A. Animal Control Officer: Report of June 2018
- B. Board of Canvassers: Meetings of Jun 20 & 29 and July 10, 2018
- C. Budget Board: No report
- D. Building Official: Report of June 2018
- E. Burrillville Extended Care Board of Directors: No report
- F. Burrillville Extended Care: No report
- G. Burrillville Prevention Action Coalition: Meeting of July 11, 2018
- H. Conservation Commission: Meeting of June 12, 2018
- I. Finance Department, Treasurer and Tax Collector: Reports of May and June 2018
- J. Housing Authority: Meeting of May 16, 2018
- K. Information Systems Department: No report
- L. Jesse M. Smith Library Board of Trustees: Meeting of May 10, 2018
- M. Ordinance Subcommittee: Meeting of June 14, 2018
- N. Personnel Board: Meeting of June 19, 2018
- O. Planning Board: No report
- P. Police Department: Report of June 2018
- Q. Recreation Commission: No report
- R. Redevelopment Agency: Meetings of May 22 and June 26, 2018
- S. School Committee: Meeting of June 12, 2018
- T. Screening Subcommittee: Meeting of May 24, 2018
- U. Sewer Commission: Meeting of June 12, 2018

MOTION by Councilor David J. Place. The motion carried unanimously.

12. Additional new business:

- 18-197 VOTED to grant the request for executive session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meetings Law §42-46-5(a)(2) for discussion, consideration and action relating to litigation: Town of Burrillville vs. Clear River Energy LLC and the Town of Johnston, Rhode Island (C.A. No. PC-2017-1037)

MOTION by Councilor Raymond J. Trinque. The motion carried unanimously.

The Town Council returned to open session at 8:05 P.M.

VOTED to seal the minutes of executive session noting that no votes had been taken.

MOTION by Councilor David J. Place. The motion carried unanimously.

13. Additional unfinished business:

- 18-022 VOTED that the Burrillville Town Council hereby authorizes the Town Manager to negotiate and sign an agreement between the Harrisville Fire District, the Town of Burrillville and the Industrial Foundation, relative to the construction of the Route 102 waterline extension project which was detailed in the Memorandum of Agreement dated December 14, 2017.

Note: Councilor David J. Place recused himself from discussion and voting on item #18-022.

MOTION by Councilor Raymond J. Trinque. The motion carried, six in favor, one recusal. Voting in favor were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Jeremy P. Bailey, Donald A. Fox, John Anthony Scott and Raymond J. Trinque. Councilor David J. Place recused himself.

14. VOTED to adjourn at 8:06 P.M.

MOTION by Councilor Raymond J. Trinque. The motion carried unanimously.

Louise R. Phaneuf, Town Clerk