

REGULAR MEETING of the Burrillville Town Council held Wednesday, March 13, 2024 at 7:00 P.M. in the Wallace F. Lees Public Safety Complex, 1477 Victory Highway, Burrillville 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. Trinke.

MEMBERS ABSENT: Councilor Jeremy P. Bailey arrived at 7:04 pm.

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 mentioned the Burrillville boy's hockey in the championships, the Easter egg hunt at the Middle School, a meeting at the High School to discuss the graduation requirements, and St. Patrick's Day.

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.

- 24-065 VOTED to approve the minutes of the regular meeting of February 28, 2024; and dispense with the reading of said minutes.
- 24-066 VOTED to receive and file the letter from Town of Burrillville to Rhode Island Office of Housing and Community Development regarding funding from the New Shelter Capacity Formula Grant.
- 24-067 Receive and file the notice of the Town of Burrillville's AA bond rating.

Note: Item 24-067 was removed from Consent Agenda and voted on separately.

- 24-068 VOTED to refer to the Screening Subcommittee the application from Monique DeRoche for reappointment to the Conservation Commission.
- 24-069 VOTED to accept the resignation from Anthony Zampello from the Affordable Housing Board and refer the vacancy to the Screening Subcommittee.

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

- 24-067 Receive and file the notice of the Town of Burrillville's AA bond rating.

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Discussion: Councilor Raymond J. Trinke stated that he is very proud of what the Town Administration has done to keep us at the AA bond rating. We're a small town where the State is always attacking us and the Finance staff has done an outstanding job.

VOTED to receive and file the notice of the Town of Burrillville's AA bond rating.

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

5. Special Business: None

6. Petitions: None

7. Unfinished Business: None

8. Public Hearings: None

9. New Business:

Note: Council President Donald A. Fox announced that agenda item #24-082 would be taken up at this time.

Note: Councilor Jeremy P. Bailey arrived at this time.

24-082 Consider and act on the Town of Burrillville's continuing participation in the RISE Prep Mayoral Academy; and consider adopting a joint resolution with the Burrillville School Committee regarding our participation in the program; or take any other action thereon.

Discussion: It was discussed that despite the hard work the Burrillville School Department has done to make the schools better, funding is still not adequate because of the enrollment of Burrillville students in RISE Prep. RISE has been adding more grades every year and now will be opening a second school, which would take more students away from Burrillville schools. It was discussed that the concept of charter schools is good, but they have been detrimental to public schools.

VOTED to adopt a joint resolution with the Burrillville School Committee as presented regarding our withdrawal from RISE Prep Mayoral Academy program.

Motion by Councilor Raymond J. Trinke. The motion carried unanimously.

The resolution is as follows:

**Joint Resolution
of the
Burrillville Town Council and Burrillville School Committee**

Relative to Withdrawal from the RISE Prep Mayoral Academy

WHEREAS, the Town of Burrillville generally supports the concept of charter schools, like RISE Prep Mayoral Academy; and

WHEREAS, the Town will not continue to support participation in RISE Prep given current funding schemes, which directly impact public school funding and local taxpayers; and

WHEREAS, the Town does support holding harmless all students currently participating in RISE Prep, or their siblings as is current practice, so they can continue their education in that system if they so choose; and

WHEREAS, the Town strongly advocates that the State legislature and Governor find options and solutions to this quandry.

NOW, THEREFORE, BE IT RESOLVED, that effective at the end of the current school year, Burrillville will no longer participate in the RISE Prep Mayoral Academy.

Note: Council President Donald A. Fox announced that agenda item #24-079 would be taken up at this time.

- 24-079 Consider and act on a request from Council Vice President Stephen N. Rawson's request to discuss the outreach to communities regarding state aid for education; or take any other action thereon.

Discussion: Council Vice President Stephen N. Rawson discussed the letter sent to certain school districts in the state as approved by the Town Council at their meeting of February 14, 2024. Also discussed at that meeting was adopting a resolution in support of legislation that would amend The Education Equity and Property Tax Relief Act by prohibiting total education aid paid to any local education agency from being reduced by more than one percent (1%) of the municipal education appropriation in the previous fiscal year (Senate Bill 2024 – S 2008).

There was no action taken on this item.

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

- 24-070 Consider and act on correspondence from Girl Scout Troop 242 asking for support in having a crosswalk installed on Chapel Street; or take any other action thereon.

Discussion: Members of Girl Scout Troop 242 spoke on the need of having a crosswalk across Chapel Street in proximity of the Skate Park. Their concern is that somebody may get hit by a car while crossing the street as the traffic is fast.

It was discussed that the Skate Park will be expanding and having a crosswalk would be even more important. Other safety remedies were discussed, such as posting a children at play sign and lowering the speed limit.

VOTED to authorize the Department of Public Works and Town Administration to approach the Department of Transportation for action regarding a crosswalk.

Motion by Councilor Raymond J. Trinqué. The motion carried unanimously.

- 24-071 Presentation from Jeffrey McCormick, Public Works Director, of Capital Improvement Plan projects for FY2025, and other potential long range projects that may be considered.

Jeffrey McCormick, Public Works Director, presented projects for FY2025, and other potential long range projects that may be considered. His presentation is on file with the record of this meeting.

There was no action taken on this item.

- 24-072 Correspondence from Leslie McGovern, Finance Director, regarding her recommendation on awarding the bid for Statistical Revaluation (bid #24-007); or take any other action thereon.

VOTED to approve as presented.

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

- 24-073 Consider and act on the approval of the sub award agreement for the community center project; or take any other action thereon.

VOTED to authorize the administration to not proceed with the sub award agreement.

Motion by Councilor Raymond J. Trinqué. The motion carried unanimously.

- 24-074 VOTED to receive and file the notice of public comment period from the RI Department of Environmental Management regarding a proposal to renew the operating permit from Algonquin Gas Transmission Co.

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

Legislation:

- 24-075 Consider and act on a letter of support from the Town of Burrillville for proposed green bonds; or take any other action thereon.

VOTED to support.

Motion by Councilor Raymond J. Trinqué. The motion carried unanimously.

- 24-076 VOTED to support the resolution from the town of Charlestown in support of amendments to RI General Law §45-24-38 General Provisions – Substandard Lots of Record.

Motion by Councilor Raymond J. Trinqué. The motion carried unanimously.

- 24-077 Consider and act on a resolution from the town of Narragansett in opposition to House Bill 2024 – H 7324 related to zoning ordinances and requesting the RI General Assembly to sustain local authority to regulate land use; or take any other action thereon.

VOTED to join Narragansett in opposition.

Motion by Councilor Stephen N. Rawson. The motion carried unanimously.

- 24-078 VOTED to support the resolution from the town of Narragansett in opposition to House Bill 2024 – H 7382 related to redefining “household” in the State enabling legislation.

Motion by Councilor Raymond J. Trinqué. The motion carried unanimously.

- 24-079 Consider and act on a request from Council Vice President Stephen N. Rawson’s request to discuss the outreach to communities regarding state aid for education; or take any other action thereon.

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

- 24-080 VOTED to adopt a resolution in opposition to Rhode Island 2024 gun control legislation

Motion by Councilor Jeremy P. Bailey. The motion carried unanimously.

Note: The resolution is as follows:

RESOLUTION OF THE TOWN OF BURRILLVILLE
OPPOSITION TO RHODE ISLAND 2024 GUN CONTROL LEGISLATION

- WHEREAS, the Town Council of the Town of Burrillville pursuant to Rhode Island statute and the Town of Burrillville Charter, is vested with the authority of administering the affairs of the Town of Burrillville, Rhode Island; and
- WHEREAS, the Second Amendment to the United States Constitution, ratified on December 15, 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and
- WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and
- WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “**keep and bear arms**,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and is applicable to the states; and

- WHEREAS, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and
- WHEREAS, Article I, Section 22 of the Rhode Island Constitution adopted in 1842, provides that ***“The right of the people to keep and bear arms shall not be infringed.”***; and
- WHEREAS, Article I, Section 6 of the Rhode Island Constitution provides that ***“The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation and describing as nearly as many as may be, the place to be searched and the persons or things to be seized.”***; and
- WHEREAS, as a matter of general principle, and in recognition of over 230 years of lawmaking under the guidance of the Constitution for the United States of America having properly established numerous laws regarding criminal use of firearms that are wholly adequate when judiciously enforced such that additional laws are unneeded, any law which upon passage renders a life-long law-abiding citizen a felon through no action of their own, is an unjustified law and should be unconstitutional under multiple amendments in the Bill of Rights; and
- WHEREAS, it is the desire of the Town Council of the Town of Burrillville to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Rhode Island Constitution which protect the citizens of the State of Rhode Island’s inalienable and individual right to keep and bear arms; and
- WHEREAS, the Burrillville Town Council members each took an oath to support and defend the United States Constitution, the Rhode Island Constitution, and the laws of the State of Rhode Island which are not deemed unconstitutional by a court of competent jurisdiction, and the Charter of the Town of Burrillville; and
- WHEREAS, the Burrillville Town Council members give great weight to and adhere to the belief of James Madison, Jr., the fourth President of these great United States that: “Oppressors can tyrannize only when they achieve a standing army, an enslaved press, and a disarmed populace”; and
- WHEREAS, the Burrillville Town Council desires to protect the rights of law-abiding citizens, individuals who have committed crimes with firearms should be fully prosecuted with existing laws on the books; and
- WHEREAS, many of the bills being considered by the General Assembly would require the confiscation and storage of otherwise lawfully owned firearms, and make the Towns and Cities of Rhode Island, responsible for these costs; and
- WHEREAS, the Rhode Island General Assembly, in its 2024 legislative session has pending before it numerous bills regulating and restricting the rights afforded the citizens of

the State of Rhode Island through the Second Amendment to the United States' Constitution and the Constitution of the State of Rhode Island, including, but not limited to:

House Bill 7217 and Senate Bill 2653, the Rhode Island Assault Weapons Ban Act of 2024, would prohibit the possession of "assault weapons," defined as any shotgun that holds more than six (6) rounds or a rifle that holds more than ten rounds. In order to be exempt, the weapon must, within twelve (12) months of the bill's passage, be registered, be rendered inoperable, be surrendered to a registered firearm dealer or police department or be transferred to a person in another jurisdiction where such firearms are allowed. It would also require any heirs of a decedent to surrender or transfer the firearm. If registered, the lawful owner would be required to submit fingerprints and pay a fee for registering the firearm;

House Bill 7269 and Senate Bill 2219, notwithstanding the purchaser's background check and eight day waiting period, this act would prohibit the purchase of more than one firearm in a 30-day period. This act not only penalizes law abiding citizens from exercising their Constitutional right to own a firearm, but it also damages federally licensed firearms dealers, who are Rhode Island business owners. The act would artificially restrict their sales and livelihood;

House Bill 7373 and Senate Bill 2202, which would require all firearms within a home to be kept in a locked container or equipped with a tamper resistant or mechanical lock and creates a new felony for noncompliance. It would also require trigger locks be issued for rifles and shotguns at time of purchase, further increasing the cost of doing business for federally licensed firearm dealers;

House Bill 7268 and Senate Bill 2218, which would expand the requirement for a "Blue Card" to the purchase of rifles and shotguns;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Burrillville on April 24, 2019, declared itself a Second Amendment Sanctuary Town, now reaffirms that declaration, and hereby takes the following position on state legislation that potentially abridges our Second Amendment rights. We find and declare that these gun restriction bills, if enacted by the Rhode Island General Assembly, infringe upon the rights of the People of the Town of Burrillville and the People of the State of Rhode Island to keep and bear arms. We are collectively opposed to the infringement of these rights established by our Founding Fathers.

BE IT FURTHER RESOLVED that we urge the General Assembly to repeal 2022 House Bill 6614 and Senate Bill 2653 which criminalized previously lawful ownership by making it a felony, without merit, for an individual to possess any semi-automatic firearm magazine capable of holding more than ten (10) rounds of ammunition. This law has created hardship, uncertainty, and fear amongst law-abiding gun owners, while doing nothing in the past two years to reduce gun-related criminal activity in Rhode Island.

BE IT FURTHER RESOLVED that we urge the General Assembly to repeal Rhode Island General Law §11-47-60 *Possession of firearms on school grounds*.

BE IT FURTHER RESOLVED that these bills impose unfunded mandates upon local governments; and the Town Council of the Town of Burrillville will not appropriate funds for capital construction of building space and/or the purchase of storage systems to store weapons seized, pursuant to any requirements set forth in the legislation if enacted by the General Assembly for the purpose of enforcing any law, that unconstitutionally infringes upon the rights of the People of the Town of Burrillville to keep and bear arms.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to every Rhode Island Municipality, State Senators, State Representatives, the Governor, and the Lt. Governor respectfully requesting their support.

- 24-081 Consider and act on legislation pending before the Rhode Island General Assembly; or take any other action thereon.

Discussion: Michael C. Wood, Town Manager, said that there is a lot of legislation out there related to housing and affordable housing. We're working with the Town Planner to understand the impact on Burrillville. Mr. Wood said he would have something for the Town Council at the next meeting.

There was no action taken on this item.

10. Town Clerk/Communication: None

11. Additional new business to be considered and acted on:

- 24-082 Consider and act on the Town of Burrillville's continuing participation in the RISE Prep Mayoral Academy; and consider adopting a joint resolution with the Burrillville School Committee regarding our participation in the program; or take any other action thereon.

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

- 24-064 Request for executive session:

- A. 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)(5) for discussion, consideration, and possible action relative to real property located at 176 Sayles Avenue (Burrillville Assessor's map 174, lot 010), or take any other action thereon.

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

- B. The Town Council returned to open session at 9:00 p.m.

- C. VOTED to seal the minutes of executive session, making note that no votes were taken.

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

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

There were no votes to disclose. No action taken on this item.

12. VOTED to adjourn at 9:00 P.M.

Motion by Councilor Jeremy P. Bailey. The motion carried unanimously.



Vicki T. Martin, Town Clerk