

REGULAR MEETING of the Burrillville Town Council held Wednesday, February 9, 2011 at 7:02 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, 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 continue the question of accepting the minutes of the special meetings held January 31 and February 2, 2011 to the next meeting.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Councilor Margaret L. Dudley announced that the Farmers' Market organization had scheduled a vendors' meet and greet session for February 15, 2011.

Councilor Margaret L. Dudley recognized Team Renegade 154 on their success in the First Tech Challenge. Councilor Kevin D. Heitke commented that the Team had won first place for the fifth time and extended congratulations.

Council President Nancy F. Binns commended the Department of Public Works on a job well done in snow removal.

5. Petitions: None

6. Special Business:

11-003 VOTED to open Colonel Bernard E. Gannon's Memorandum #12 – 2010 dated November 24, 2010 regarding the Outstanding Performance of Duty by Sergeant Brian Pitts and Patrolman Jason Cahill on October 28, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley,

Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Council President Nancy F. Binns read the Memorandum into the record

MEMORANDUM

#12 - 2010

Date: November 24, 2010

To: All Personnel

From: Colonel Bernard E. Gannon, Chief of Police

Subject: Outstanding Performance of Duty

On October 28th, 2010 Sergeant Brian Pitts and Patrolman Jason Cahill responded to 303 Arthurs Way in response to a call for an unresponsive female.

The officers recognizing the gravity of the situation immediately began CPR and attached the department defibrillator (AED) to the unconscious female. It was later determined that Shirley Stone suffered a heart attack and was in cardiac arrest.

Ms. Stone documented her appreciation in a letter to me. She commended the officers stating "I wanted to let you know that I owe my life in part to two of your officers." "If it hadn't been for their quick response and treatment I probably wouldn't be here today." Ms. Stone's doctor called her recovery a miracle.

Sergeant Pitts and Patrolman Cahill's outstanding performance of duty on the evening of October 28th are commendable and in the

highest tradition of the Burrillville Police Department.

For their actions, expertise and dedication to duty, Sergeant Brian Pitts and Patrolman Jason Cahill are commended and awarded one day off with pay.

The congratulations and thanks of the Town Council, Administration and residents were extended to Sergeant Pitts and Patrolman Cahill.

11-004 VOTED to open Colonel Bernard E. Gannon's Memorandum #13 – 2010 dated November 30, 2010 regarding the Outstanding Performance of Duty by Patrolmen William Lacey and Steve Adams on May 28, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Council President Nancy F. Binns read the Memorandum into the record

MEMORANDUM

#13-2010

Date: November 30, 2010

To: All Personnel

From: Colonel Bernard E. Gannon, Chief of Police

Subject: Outstanding Performance of Duty

At approximately 1:00 a.m. on May 28th, 2010, Patrolmen William Lacey and Steve Adams responded to a call of smoke coming from an upstairs apartment at 53 Irving Ave. The officers, arriving before fire apparatus, determined from people outside the building that they had been unable to awaken the occupant of the second floor apartment.

The officers kicked in a locked rear door and twice entered the smoke filled dwelling. On the second try, Patrolman Adams located the occupant, later identified as Anthony Ledoux, still in his apartment. At that time, two Pascoag firefighters equipped with oxygen masks were able to rescue Mr. Ledoux from the smoked-filled apartment.

Patrolmen Lacey and Adams showed exceptional courage in twice entering the smoke-engulfed and sight-obstructed home. Their efforts, along with those of the Pascoag firefighters, contributed to Mr. Ledoux being rescued from his home and saving him from serious injury, and possibly saving his life.

The actions of Patrolmen Lacey and Adams is commendable and worthy of merit. Both officers are commended and a copy of the commendation placed in their personnel file.

The congratulations and thanks of the Town Council, Administration and residents was extended to to Patrolmen Lacey and Adams.

11-005 VOTED to open Colonel Bernard E. Gannon's Memorandum #14 – 2010 dated November 30, 2010 regarding the Outstanding

Performance of Duty by Patrolmen William Lacey and Kyle Genereux on November 17, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Council President Nancy F. Binns read the Memorandum into the record

MEMORANDUM

#14 - 2010

Date: November 30, 2010

To: All Personnel

From: Colonel Bernard E. Gannon, Chief of Police

Subject: Outstanding Performance of Duty

At approximately 4:00 a.m. November 17th, 2010, Patrolmen William Lacey and Kyle Genereux responded to structure fire at 118 Grove Street. This multifamily dwelling was engulfed in flames when the officers arrived. Patrolman Lacey immediately rescued a disabled man, John Watson, who was crawling toward the door and crying that he was on fire. Patrolman Lacey, along with a Pascoag firefighter, were able to pull Mr. Watson to safety. Having previously responded

to the home, the responding officers were aware of the complexity of the dwelling's numerous "crooks and cranny" additions. The officers entered the burning and smoked-filled home, and with their knowledge of interior of the dwelling, were instrumental in arousing and assisting a total of seven residents in evacuating the building.

The prompt response of these officers, along with members of the Pascoag Fire Department, undoubtedly prevented a catastrophic situation. Their actions are commendable and worthy of merit. Both officers are commended for their exceptional response on November 17th, 2010, and a copy of the commendation placed in their personnel file.

The congratulations and thanks of the Town Council, Administration and residents were extended to Patrolmen Lacey and Genereux.

11-037 VOTED to adopt a proclamation recognizing the Burrillville Middle School ABC Club Coat Drive Participants.

Motion by Councilor Wallace F. Lees. 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, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: Jillian Cash, Mara Carlow, Brandon Greene, Samantha Hopkins, Kathryn Phelan, Billy Robinson and Ally Simpson were recognized for their efforts in the ABC Club coat drive. Ms. Simpson

addressed the Town Council about the project. The students and their advisors, Karen Hundley, Kathy McCann, Terry Robinson, Kevin Stockwell and Eric Tupper, were congratulated on their success.

11-038 VOTED to adopt a proclamation recognizing Norman P. Menard on his 50 years of service as a volunteer fire fighter, as follows:

Burrillville Town Council

Proclamation

WHEREAS, Norman P. Menard was born in Burrillville, Rhode Island in 1937 and has remained a lifelong resident of the Town, raising his family here along with his wife Barbara; and

WHEREAS, Norman P. Menard joined the Harrisville Hose Company No. 1 as a volunteer firefighter on September 5, 1961; and

WHEREAS, Norman P. Menard has received several promotions within the Fire Department over his many years of service. In 1965, Norman was promoted to the rank of Lieutenant; in 1967, he was promoted to Captain; in 1969 he achieved the rank of Deputy-Chief and in 2007 he was bestowed the honor of Deputy-Chief Emeritus; and

WHEREAS, Norman P. Menard has faithfully served the community as a dedicated volunteer firefighter in the Town of Burrillville for 50 years.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville on this 19th day of February, 2011 do hereby congratulate Norman P. Menard on his 50 years of service as a volunteer with the Harrisville Fire Department and wish him great success in all of his future endeavors.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

7. Public Hearings: None

8. Unfinished Business:

11-015 VOTED to open the correspondence from Councilor Stephen N. Rawson regarding his recommendation that the Town Council move the date and time for submitting agenda items for Town Council agendas; consider and act on a resolution relative to amending Burrillville Town Council Rules of Order, Rule 6 – Agenda, ¶¶ D. and E.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F.

Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: Proposed deadline for agenda submission and the day and time packets would be made available was reviewed. Necessity of adhering to the deadline was emphasized.

VOTED to adopt a resolution, as follows:

Burrillville Town Council

Resolution

Amending the Burrillville Town Council Rules of Order

The Burrillville Town Council Rules of Order are hereby amended as follows:

RULE 6 – AGENDA

D. Any request for an item to be placed on the agenda must be submitted to the Town Clerk no later than 12:00 P.M. (Noon) the Tuesday eight (8) days before a Wednesday meeting. Items for consideration by the Council should include name, address and telephone number of the person (or contact person(s) for a group) asking to be included on the agenda and should be accompanied by supporting documentation for review by the Councilors prior to the meeting whenever possible.

E. The agenda for regular meetings will be finalized on Tuesday, as specified above, and made available for Councilors and the general

public the next day (Wednesday) at 12:00 P.M. (Noon). Under unexpected or extraordinary circumstances, with the consent of the Town Council President, the agenda may be amended after the Tuesday specified; but under no circumstances, except as provided for Emergency Meetings, shall the agenda be amended within 48 hours of a scheduled meeting.

Motion by Councilor Margaret L. Dudley. 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, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Note: Changes to Rule 6 – Agenda were effective with the first meeting of March 2011.

11-016 Correspondence from Councilor Stephen N. Rawson regarding heat and utility assistance.

Note: Council President Nancy F. Binns noted that the discussion of item 11-016 had concluded at the February 2, 2011 meeting. Councilor Stephen N. Rawson informed the Town Council that the discussion had resulted in a \$500.00 donation to Between the Cracks by a resident.

11-018 VOTED to open the correspondence from Councilor Stephen

N. Rawson regarding his request to discuss Town Council/School Committee stipends: ordinance §2-52(a) Compensation and (c) Effective dates.

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, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: It was noted that the item had been continued due to the excused absence of the Town Council President at the earlier meeting. Council President Nancy F. Binns commented on the 2010 ordinance that had eliminated benefits and established the current stipend.

VOTED to receive and file.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley and Kevin D. Heitke. Councilors David J. Place and Stephen N. Rawson voted in opposition.

9. New Business:

11-039 VOTED to declare surplus certain cell phones and accessories, as listed.

Motion by Councilor Margaret L. Dudley. 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, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-040 Correspondence from the Burrillville Budget Board regarding attendance of Pauline Sionni.

VOTED to declare the seat vacant.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

VOTED to refer to the Screening Subcommittee.

Motion by Councilor Wallace F. Lees. 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, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-041 VOTED to refer to the Screening Subcommittee the applications for reappointment from: Kevin Cleary of the Conservation Commission, Leo Felice of the Planning Board, Roger J. Remillard of the Juvenile Hearing Board, and Edmund A. Varin, Jr. of the Zoning Board.

Motion by Councilor Margaret L. Dudley. 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, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Pending Legislation:

11-042 VOTED to open consideration and action on 2011 – S 0029 and 2011 H 5012 Acts relating to domestic relations – persons eligible to marry.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: Councilors Edward J. Blanchard and Kevin D. Heitke asked the Town Council to adopt a resolution in support of Senate Bill 2011 – S 0029 and House Bill 2011 – H 5012 which “would broaden the definition of persons eligible to marry to include persons of the same gender and would also provide that members of the clergy would not be required to officiate at any particular marriage”. Councilor Stephen N. Rawson recommended support of House Bill 2011 – H 5260 which seeks to place a referendum before the electorate “to determine by a vote of the people the question whether to limit marriage in the state to a lawful union between one man and one woman”. Councilor Margaret L. Dudley asked the Town Council to support the resolution introduced by Councilor Heitke and herself.

VOTED that the Council adopt the resolution in support of Senate Bill 2011 – S 0029 and House Bill 2011 H 5012, as follows:

Burrillville Town Council Resolution

In Supporting of Senate Bill 2011 – S 0029

and House Bill 2011 – H 5012

Acts Relating to Domestic Relations – Persons Eligible to Marry.

WHEREAS, The State of Rhode Island, founded as a beacon of religious tolerance and freedom, has long stood for fair and equal treatment and protection under the law for every citizen; and

WHEREAS, We believe that a just and democratic society guarantees to all its citizens certain civil rights set out in the United States

**Constitution, and civil marriage is one of these fundamental rights;
and**

WHEREAS, Each and every adult in Rhode Island, regardless of socio-economic status, race, ethnicity, gender identity or sexual orientation, deserves the opportunity to attain the legal protections, rights and responsibilities gained through civil marriage; and

WHEREAS, The Town Council of the Town of Burrillville supports the passage of Marriage Equality legislation (H-5012 and S-0029).

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville encourages Governor Lincoln Chafee, Speaker of the House Gordon Fox, Senate President M. Teresa Pavia-Weed, Senator Paul Fogarty, Representative Cale Keable, Representative Brian Newberry and the other members of the Rhode Island General Assembly to pass the Marriage Equality legislation in the 2011 session.

Adopted this 9th day of February 2011

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke.

Discussion: Councilor David J. Place asked that the Town Council take no action since the item was outside of town business. Council President Nancy F. Binns supported adopting the resolution as presented.

The motion carried, four in favor, three opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Councilors Margaret L. Dudley and Kevin D. Heitke. Councilors Wallace F. Lees, David J. Place and Stephen N. Rawson voted in opposition.

10. Town Clerk/Communication:

11-043 VOTED to open the Modification of Council 94, Local 186 agreement, §4.8 relative to Police Department Administrative Aides and Clerical Employees.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: Michael C. Wood, Town Manager, explained that the Council 94 agreement had been modified with Town Council approval by vote during an executive session held February 2, 2011.

VOTED to receive and file.

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the

motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-044 VOTED to open a copy of executed original Environmental Land Usage Restriction (ELUR).

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: The ELUR related to the Whipple Avenue landfill that had been capped in 2010. The document is recorded in the land evidence records of the Town of Burrillville.

VOTED to receive and file.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11-045 VOTED to open the agreement between the Town of Burrillville

and Michael R. McElroy, Special Legal Counsel, regarding McElroy's representation of the Town in connection with issues related to the Ocean State Power facility in Burrillville.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

Discussion: During an executive session on February 2, 2011, the Town Council had approved the agreement to hire Michael R. McElroy to work as special legal counsel to represent the Town in connection with issues related to the Ocean State Power facility in Burrillville.

VOTED to receive and file.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

11. Additional New Business:

11-046 VOTED to table to a future meeting the request for executive

session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law:

[\$42-46-5(a)(2)] for discussion and consideration relative to collective bargaining: to consider changes to health insurance plans/coverage set forth in the “Federal Patient Protection and Affordable Care Act” (PDACA).

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

12. VOTED to adjourn at 7:45 P.M.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Councilors Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk