

State of Rhode Island

County of Washington

In Hopkinton on the third day of August 2009 A.D. the said meeting was called to order by Town Council President Thomas Buck at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI.

PRESENT: Thomas Buck, Sylvia Thompson, Beverly Kenney, Barbara Capalbo, William Felkner; Town Solicitor Patricia Buckley; Interim Town Manager M. Linda Urso; Town Clerk Elizabeth Cook-Martin.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR AND SECONDED BY COUNCILOR TO EXECUTIVE SESSION UNDER RIGL 42-46-5A (2) COLLECTIVE BARGAINING – DISPATCHER’S CONTRACT-MEMORANDUM OF AGREEMENT; (2) PENDING LITIGATION & (2) POTENTIAL LITIGATION.

POLL VOTE:

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO RECONVENE IN OPEN SESSION AND SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: Felkner

SO VOTED

Town Council President Thomas Buck reported that the Council had voted in executive session and unanimously approved an addendum agreement to the Dispatcher’s Contract.

The regular meeting opened with a moment of silent meditation and a salute to the Flag.

**HEARINGS**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO SIT AS A LICENSING BOARD.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

**SPECIAL EVENT PERMITS:**

**25<sup>TH</sup> ANNUAL CRAFTS FESTIVAL**

The Council opened a hearing on an application for a Special Event Permit filed by Recreation Director Mary Sawyer for the 25<sup>th</sup> Annual Craft Festival scheduled for September 12 & 13, 2009 from 10:00AM to 4:00 PM at Crandall Field.

There was no one present. The application was complete and there was a request for a waiver of the filing fee.

Councilor Capalbo noted that this was the 25<sup>th</sup> Annual Crafts Festival and questioned why it could not be blended with the Swamp Yankee Days event because of declined interest in the crafts festival. Council President Buck stated all money raised at the craft festival went towards the Recreation Department and Town. Councilor Capalbo suggested that there may be more people during a combined event. Councilor Thompson questioned why she stated interest had declined in the event. Councilor Capalbo responded because it was a craft event, interest had been declining every year. Councilor Thompson suggested it may be something the Recreation Director would consider and requested Interim Town Manager Linda Urso relay the information to Ms. Sawyer. Councilor Kenney suggested the event may just need a hiatus. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE SPECIAL EVENT PERMIT FILED BY RECREATION DIRECTOR MARY SAWYER FOR THE 25<sup>TH</sup> ANNUAL CRAFT FESTIVAL SCHEDULED FOR SEPTEMBER 12 & 13, 2009 FROM 10:00AM TO 4:00 PM AT CRANDALL FIELD AND TO WAIVE THE FILING FEES.

IN FAVOR: Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

ABSTAIN: Buck

SO VOTED

**SWAMP YANKEE DAYS SPECIAL EVENT PERMIT & CLASS F LIQUOR LICENSE**

There was no one present for the Special Event Permit and Class F Liquor License for Swamp Yankee Days. The Town Council tabled the matter until a representative could be in attendance.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN AS A LICENSING BOARD AND RECONVENE AS A COUNCIL.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

**NATIONAL GRID/VERIZON PETITIONS:**

There were two petitions filed by National Grid and Verizon for joint pole locations on Dye Hill Road and joint pole locations on Woodville Alton Road.

There was no representative present from National Grid or Verizon. The Town Clerk had prepared a memo that Councilor Kenney read as follows:

“I have been contacted by both Verizon and National Grid regarding the hearings for joint poles. The individuals that I addressed my correspondence to have handed off these tasks to two different individuals. The Verizon representative called last week and stated they typically do not send anyone to hearings in the evenings and she would not be in attendance this evening. She wanted to address the Town’s concerns through Mr. Reese. I provided her with Mr. Reese’s phone number. The National Grid representative called this afternoon reporting he had just received the correspondence this day because Ms. Alhamdouni had been on vacation. He stated he could not be present this evening. I provided him with alternative Council Meeting dates for August and September and he stated he would be in touch to inform me which meeting he could be in attendance”.

Public Works Director Doug Reese was present. Also present: Developer Gary Johnson. Mr. Reese had been concerned with the proposed location of the new joint poles for Dye Hill Road identified as pole #14 and pole #15 and had forwarded correspondence with his concerns to National Grid. Mr. Reese stated that there was a structure being built on Dye Hill Road.

Council President Buck questioned if Mr. Reese could have the pole locations moved back. Mr. Reese stated he hoped to speak to them (Grid/Verizon) and felt they would work with him to move the poles. Councilor Capalbo questioned when the certificate of occupancy was expected to be issued. Mr. Johnson responded in two months. He stated he owned the plat and had spoken to Mr. Reese about the pole installation. He stated he would remove barbed wire fencing this week and would meet with National Grid as well.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO APPROVE THE PETITION OF GRID/VERIZON FOR JOINT POLE LOCATIONS #14 & #15 ON DYE HILL ROAD PURSUANT TO THE APPROVAL OF PUBLIC WORKS DIRECTOR DOUG REESE'S APPROVAL OF THEIR DISTANCE TO THE ROAD.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

In regards to the double pole problem, Mr. Reese stated he had spoken to a Verizon manager and construction supervisor and that he felt optimistic because they indicated they would keep Mr. Reese apprised regarding Verizon removing their wires off of the old poles to the new poles so that National Grid could remove the old poles. He stated Cox Communications had been very good about moving their lines. Councilor Thompson questioned if the Town could provide them with a list of all double poles in Town, which ones presented a hazard or were more urgent. Mr. Reese noted that the "top" double pole in Town located on Clarks Falls Road and Route 3 had just been removed. He stated he had a list of 49 poles ready for Verizon. Mr. Reese stated it took many hours going pole to pole to investigate which utility lines were on or off either the new pole or the old pole. Councilor Thompson questioned if he could have the list ready to provide it to the representatives and Mr. Reese responded, absolutely. Council President Buck requested a copy of the list for the Council so that everyone could contribute. Councilor Thompson questioned if there were other ways to deal with the double pole problem such as by way of an ordinance. Solicitor Buckley stated

the second pole was usually installed for a valid reason and suggested maybe they should be required to petition the Town for the second pole. Councilor Capalbo felt they should be assessed a charge for the double poles.

The Council took no action regarding the petition of National Grid/Verizon for joint pole locations on Woodville Alton Road. The Town Clerk will forward a letter to the utilities providing them dates of the upcoming Council Meetings in order to schedule a hearing.

Rita Casady arrived to represent the Rotary Club of Chariho regarding the Special Event Permit and Class F Liquor License for Swamp Yankee Days.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO SIT AS A LICENSING BOARD.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

**SPECIAL EVENT PERMIT - SWAMP YANKEE DAYS**

The Council opened a hearing for a Special Event Permit filed by Rita Casady, Chairperson of the Rotary Club of Chariho, P.O. Box 543, Hope Valley, RI 02832 for the Swamp Yankee Days Family Festival to be held at Crandall Field on September 26 & 27, 2009 from 10:00 A.M. to dusk.

Rita Casady was present. The application was complete. A waiver of the filing fee was requested. Councilor Thompson questioned how long had the event been held. Ms. Casady responded they were in their 17<sup>th</sup> year and the 18<sup>th</sup> year for cow chip bingo. Council President Buck questioned how long Swamp Yankee Days had been held in Ashaway. Ms. Casady responded since 2000. Council President Buck stated approval of the permit would be contingent upon the filing of an updated insurance policy and valid health certificates. Ms. Casady indicated she would provide an updated certificate of insurance, which updates in July of each

year, as well as copies of the Department of Health certificates and food business license. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE SPECIAL EVENT PERMIT FILED BY RITA CASADY, CHAIRPERSON OF THE ROTARY CLUB OF CHARIHO, P.O. BOX 543, HOPE VALLEY, RI 02832 FOR THE SWAMP YANKEE DAYS FAMILY FESTIVAL TO BE HELD AT CRANDALL FIELD ON SEPTEMBER 26 & 27, 2009 FROM 10:00 A.M. TO DUSK SUBJECT TO THE FILING OF AN UPDATED INSURANCE POLICY, RI DEPARTMENT OF HEALTH CERTIFICATES, FOOD BUSINESS LICENSE AND TO GRANT A WAIVER OF THE FILING FEE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

**CLASS F LIQUOR LICENSE - SWAMP YANKEE DAYS**

The Council opened a hearing for a Class F Liquor License filed by Rita Casady, Chairperson of the Rotary Club of Chariho, P.O. Box 543, Hope Valley, RI 02832 for the Swamp Yankee Days Family Festival to be held at Crandall Field on September 26 & 27, 2009 from 10:00 A.M. to dusk.

Rita Casady was present. The application was complete. A waiver of the filing fee was requested. Council President Buck questioned if there had been any issues related to alcohol consumption in past events. Ms. Casady indicated there had been no incidents; that two police officers were always on duty. She added only beer and wine was served. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR FELKNER TO APPROVE THE CLASS F LIQUOR LICENSE FILED BY RITA CASADY, CHAIRPERSON OF THE ROTARY CLUB OF CHARIHO, P.O. BOX 543, HOPE VALLEY, RI 02832 FOR THE SWAMP YANKEE DAYS FAMILY FESTIVAL TO BE HELD AT CRANDALL FIELD

ON SEPTEMBER 26 & 27, 2009 FROM 10:00 A.M. TO DUSK AND GRANT  
A WAIVER OF THE \$15.00 FILING FEE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

Ms. Casady reported on what was done with the funds raised during Swamp Yankee Days. She stated one half of money raised was placed into a revolving scholarship fund and four scholarships had been awarded this year, that they were a steward of the Grills Foundation. Donations had been made to a food pantry and a heating assistance program at Wood River Health Services; donations to Domestic Violence Resource Center, Reach Out to Youth Program conducted at the Arcadia YMCA, donations towards a Mamography & Breast Health Program. She noted more information could be found on their website “charihorotary.org”.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY  
COUNCILOR CAPALBO TO ADJOURN AS A LICENSING BOARD AND  
RECONVENE AS A COUNCIL.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY  
COUNCILOR CAPALBO TO APPROVE THE CONSENT AGENDA AS  
FOLLOWS: Approve Town Council Meeting Minutes of May 18, 2009; Set  
September 8, 2009 as the first Town Council Meeting in September due to Labor  
Day Holiday; Accept the following report: Tax Collector - which includes  
adjustments.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Ray Cox of Main Street reported he had just returned from trip to Pennsylvania, where there were no double poles, and commented that he felt one of the reasons Rhode Island did not have money to fix the roads was because they were spending it on mowing the grass along the road. He noted the State of Pennsylvania was not mowing the grass and the State of Connecticut was mowing the grass back only as required by their regulations for safety. He submitted a newspaper article found in the Reading Eagle published in Reading, Pennsylvania on August 1, 2009 to the Council regarding the use of prison system inmates for mowing. He suggested that it be forwarded to our State Senator and State Representative. Mr. Cox stated he and Interim Town Manager Linda Urso had inspected Wellstown Road and that some problem areas had been filled in.

#### **TOWN SOLICITOR REPORT**

There was no formal report.

#### **COUNCIL PRESIDENT REPORT**

Town Council President Thomas Buck reported he had attended the Tri Town Council Meeting held in Richmond on July 30, 2009 and that there would be discussions on Tri Town matters of interest later on the agenda.

#### **TOWN MANAGER REPORT**

Interim Town Manager M. Linda Urso had prepared a written report which she touched on verbally: Public Works Director Doug Reese had contacted the State of Rhode Island to address the potholes on Wellstown Road and Laurel Street; had reviewed an agreement for Public Works provided by the State of Rhode Island for reimbursement by the State for certain road repairs up to \$250,000.00; the air conditioning specifications for the Town Hall were in process of being prepared; the GIS Director was looking into the audio recording issues in the Meeting Room; that she had been contacted by two groups for proposals for taping, broadcasting and archiving meetings, agendas and other selected town data, that she would look into further if the Council wished.

Councilor Thompson stated all the people want is to be able to watch and hear the meetings. She felt if the technical difficulties were resolved and the meetings could be placed on the air for people to see that would be satisfactory. Councilor

Capalbo stated she would be interested in seeing what they offered and how they offered it. She felt the web-cam was hard to hear and felt it may be beneficial to contact the electrician to trouble shoot the problem as well. It was during this discussion that it was realized the camera had not been turned on for recording. Attention will have to be given by all, to ensure that the meetings are being recorded.

Councilor Felkner questioned if the fiscal impact statement used for the police contract was a standard format. Ms. Urso responded the fiscal impact statement reflected changes between the contracts and added she would ask the Finance Director if there was a standard format.

## **OLD BUSINESS**

### **TOWN BILLS**

There were four additions to the bill list: \$1,575.00 to Margaret Steele as Municipal Court Judge; \$3,135.75 to the Ashaway Library; \$3,135.75 to the Langworthy Library; \$302.50 to Ocean State Oil.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPABLO TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH THE ADDITIONS OF \$1,575.00 TO MARGARET STEELE AS MUNICIPAL COURT JUDGE; \$3,135.75 TO THE ASHAWAY LIBRARY; \$3,135.75 TO THE LANGWORTHY LIBRARY; \$302.50 TO OCEAN STATE OIL AND NO DELETIONS.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

## **NEW BUSINESS**

### **INTERVIEWS – APPOINTMENTS – RESIGNATIONS:**

#### **Conservation Commission:**

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO REAPPOINT DOROTHY GARDINER TO THE CONSERVATION COMMISSION.

IN FAVOR: Buck, Thompson, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

**CHARIHO/TRI TOWN COUNCIL: Redistricting of Elementary Schools and Dual Office Holding**

The following issues had been discussed at a meeting of the Tri Town Council held on July 30, 2009: Redistricting of Elementary Schools and Dual Office Holding.

**DISCUSSION RE: REDISTRICTING OF ELEMENTARY SCHOOLS**

Town Council President Buck stated Richmond Council President B. Joe Reddish had requested discussion on this issue as a way of reducing costs on bussing. That Mr. Ricci has reported the school district pays per bus, not on a mileage basis. Councilor Kenney stated it may reduce gas consumption also. Council President Buck stated because it was time consuming to figure out, Chariho wanted to know if the three Town Councils would support it. He stated Charlestown Councilor Greg Avedesian felt the communities had strong ties to the elementary schools. Council President Buck noted that ultimately the decision would have to go to the voters for approval. He stated he understood that there were children who lived in closer proximity to an elementary school in another Town, who had to be bussed miles away to their own school, such as those who lived in the coastal plastics neighborhood must go to the Richmond elementary school, when the Hope Valley elementary school was closer. Councilor Thompson stated children who lived on Burdickville Road were also close to the Charlestown border so they could go to the Charlestown school. In using this example, the Town Clerk noted she lived on Burdickville Road and the Charlestown elementary school was not closer than Ashaway elementary school. She questioned whether citizens would have a choice of where to send their children and was informed probably not. She cautioned that the Town Council should not rush this matter and they should ensure they educate the citizens because many do not get the newspapers or have access to computers and may be surprised to find that something had been voted on that they were not aware of. Councilor Capalbo did not feel little children should spend a half an hour on the bus. She felt the parents should tell them their

opinion. Councilor Felkner questioned how this might affect the state funding formula pertaining to cost per student based on where they resided.

The Town Council would like to hear from the residents on this matter.

#### **DISCUSSION RE: DUAL OFFICE HOLDING**

Town Council President Buck stated when Chariho Chairwoman Holly Eaves had brought the matter up, he felt it was a moot point because the courts had ruled on it, but the Chariho School Committee would like to see it placed into the Chariho Act. Councilor Thompson stated she would feel uncomfortable if someone from another Town in the district was in the same predicament. She stated she would have no problem with it being placed into the Chariho Act. If it was in the Chariho Act then there would be no worry about this issue going to court again. She felt the voters should decide. Councilor Kenney stated she had no problem with the language being added. Councilor Felkner stated the court had ruled that there would be a conflict of interest regarding dual office holding and he questioned what that conflict would be and who decided this. Council President Buck stated it was probably based on the fact that it was two elected offices. Councilor Felkner asked what about an appointment, would that be acceptable. Councilor Capalbo stated in regards to appointments, the citizens would not have a right to a say, they had no input when it is an appointment. Councilor Thompson suggested the Council can pursue it further or they may want to wait until the language came to them.

#### **BUDGET STATUS**

There was nothing to report on this agenda item.

#### **CORRESPONDENCE**

Councilor Thompson noted the Executive Director of the Washington County Regional Planning Council (WCRPC) had forwarded information regarding a State Energy Plan and the August 6, 2009 energy meeting of the WCRPC from 5:00 PM to 7:00 PM at the Coastal Institute Building on the URI Bay Campus pertaining to the State Energy Plan. She questioned who attended the WCRPC meetings. Councilor Kenney stated she could not attend this meeting. Council President Buck stated he could not make it. Mr. Reese was asked if he could

attend as it pertained to energy conservation and he stated he would look into it, he had the notice in his office.

Councilor Thompson noted the Council had received correspondence from the Town of Charlestown regarding a mutual aid agreement and suggested that on a future agenda, this matter be scheduled. The Town Clerk reported the Town Council had adopted a mutual aid agreement some years back. Councilor Capalbo stated there may be a reason that Charlestown sent a mutual aid agreement to Hopkinton. She suggested it be determined how often it had to be done and when.

**PUBLIC FORUM**

No one spoke during the second public forum.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk