

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth day of June 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; Town Manager William DiLibero; Town Clerk Elizabeth Cook-Martin.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO ENTER INTO EXECUTIVE SESSION UNDER RIGL 42-46-5A (2) POTENTIAL LITIGATION, PENDING LITIGATION, (1) PERSONNEL –TOWN SOLICITOR.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

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

**HOPKINTON ENERGY RESOLUTION - continued from June 1, 2009**

Town Solicitor Buckley stated she had revised the resolution to reflect wording “where it was feasible and appropriate as determined by the Town”. A motion was made by Councilor Kenny and seconded by Councilor Thompson to adopt the revised energy resolution which led to discussion: Councilor Capalbo commented that it would be very expensive to require each department to have

LEED certified staff as #8 indicated. She noted #9 mentioned a revolving loan and questioned who would give and guarantee the loan. Councilor Kenney responded she thought funding might be through a State grant or CDGB and would be for homes and businesses as well. Mr. DiLibero stated access to the revolving funds would be through the State. CDBG Coordinator Geoffrey Marchant was present and confirmed no energy funding was coming through CDBG. Councilor Felkner stated he appreciated the efforts given in revising the resolution by the Solicitor. He added that no grants could operate without tax subsidies which cost the taxpayer money. He felt it was not reasonable for the Solicitor to put any more effort into the resolution. He stated he did not support the resolution and felt it should be put aside. Councilor Thompson suggested #8 be taken out in its entirety. Council President Buck questioned what LEED certification meant. Councilor Capalbo responded a person would have to be trained so they had knowledge on all forms of energy which entailed an enormous amount education and classes. Councilor Thompson suggested that it could be summed up in such a way that it was not locking in the Town or the taxpayer. Councilor Kenney agreed with this. Councilor Felkner questioned if the Washington County Regional Planning Council included all Towns in the Washington County. Councilor Kenney responded it did. Councilor Felkner noted the Town paid membership fees with tax dollars and they were lobbying to spend more money, which he did not agree with. Mr. DiLibero noted that supporting the resolution would go towards the application for an energy grant. Councilor Capalbo stated she would support the resolution if the wording fiscally prudent was included. A motion to amend the original motion followed this discussion:

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO AMEND THE MOTION TO ADOPT THE RESOLUTION TO ADD LANGUAGE “IF FISCALLY PRUDENT” AND TO DELETE REFERENCE TO “LEED” CERTIFICATION.

Vote on amended motion:

IN FAVOR: Thompson, Kenney, Capalbo

OPPOSED: None

ABSTAIN: Buck, Felkner

**MOTION CARRIED**

Vote on main motion to adopt the resolution as amended:

IN FAVOR: Kenney, Thompson, Capalbo

OPPOSED: Felkner

ABSTAIN: Buck

**MOTION CARRIED**

The Hopkinton Energy Resolution language follows:

**HOPKINTON ENERGY RESOLUTION**

Whereas, energy supply is of paramount concern to our region and our towns, and

Whereas, the cost of energy has increased dramatically and has negatively affected public and private budgets, and

Whereas, petroleum-based energy costs are driven by world forces and have become unpredictable, and

Whereas, increased demand management and local generation promise more predictable supply and lower energy costs, and

Whereas, sustainable and locally-controlled energy generation will foster higher energy independence, and

Whereas, the Town of Hopkinton supports the Regional Energy Policy adopted by the Washington County Regional Planning Council, and

Therefore, be it resolved by the Town of Hopkinton that where feasible, appropriate and fiscally prudent, as determined solely by the Town and on a schedule to be determined solely by the Town:

1. Full electrical and HVAC audits should be performed for all public buildings and all improvements in weatherization, system management, replacing/upgrading heating, cooling, hot water, lighting and irrigation systems should be implemented.
2. Feasibility of hot water heating using solar energy should be assessed and implemented where appropriate.
3. Landscape and grounds maintenance should be addressed to save water resources and control insulation.
4. Feasibility of photovoltaic and wind-powered electricity generation on all public buildings should be assessed and implemented.
5. Feasibility of geothermal heating and/or cooling sources should be assessed and implemented.
6. Municipal and school vehicles and equipment should be upgraded and/or managed to reduce energy over-usage.
7. Low-interest revolving loan funds may be specifically tailored to help low-income households, homeowners, landlords, and business owners cope with an uncertain energy future.
8. Public officials, including Building, Fire, and Planning officials should be trained to better address new and emerging energy technologies in building systems, HVAC, fire suppression, and site design.
9. Public information campaigns should be undertaken to show municipal progress towards energy independence and to involve residents and businesses in revolving loan programs.
10. Regional actions and programs to achieve these ends should be fostered.
11. Hopkinton and the Washington County Regional Planning Council should support all feasible and appropriate private and public/private sustainable energy ventures.
12. Financial resources may be secured to implement these policies as soon as possible.

**HEARINGS**

**ZONE CHANGE HEARING – NATIONAL GRID**

In regards to the Petition for a Zoning Ordinance Amendment filed by the

Narragansett Electric Company d/b/a National Grid, 280 Melrose Street,

Providence, RI 02907 for property owned by The Narragansett Electric Company d/b/a National Grid and located at Main Street/Route 3 identified as Assessor's Plat 22, Lot 19 an RFR-80 Zone and filed in accordance with Section 16 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended. The applicant seeks a text amendment to the District Use Table by adding a category ("486- Electric substation") and a corresponding footnote to the Dimensional Regulations.

Peter Lacouture, Esq., Michael Rook and Susan Moberg were present. A stenographer was present to record the proceedings. A copy of the transcript is attached and made part of this record.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CLOSE THE HEARING AND SET JULY 6, 2009 AS THE DATE TO CONSIDER THE ORDINANCE AMENDMENT.

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

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

Councilor Capalbo removed the Finance Director report; Councilor Kenney removed the court transcript of May 18, 2009 as the record of the meeting pertaining to the zoning ordinance text amendment filed by National Grid.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of April 20, 2009; Town Council Meeting Minutes of May 4, 2009; Accept the following reports: Animal Control Official, Town Clerk, Tax Collector – including adjustments & collections to date.

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

OPPOSED: None

SO VOTED

Councilor Capalbo questioned why the dispatcher's salary line item was currently at 101%. Mr. DiLibero responded it was the result of overtime necessitated from people being out, requiring fill-ins. He noted dispatcher overtime was not dealt with as it was the police department.

Councilor Kenney requested a correction to the May 18, 2009 transcript so that the last name Peckham was correctly spelled.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO ACCEPT THE REPORT OF THE FINANCE DIRECTOR AND ACCEPT THE COURT TRANSCRIPT OF MAY 18, 2009 AS THE RECORD OF THE MEETING PERTAINING TO THE ZONING ORDINANCE TEXT AMENDMENT FILED BY NATIONAL GRID WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

#### **PUBLIC FORUM**

Tim Ward of River Road stated he did not recall during the first zoning text amendment hearing regarding National Grid considering expansion of the Oak Street facility and stated electric company facilities of this nature in Glastonbury, CT were taller, but had a smaller footprint; noted Councilor Thompson had questioned lot size in manufacturing zones and that Connecticut Light & Power handled the size of substation as a ratio, based on the size of the facility; he suggested a consideration of installing electric facilities underground as there had been in the State of New York and California. He stated this would not be cheap but aesthetically it would look like the ISDS mound in Crandall Field.

Linda Barton of 108 Main Street reported her property was 300 feet from the proposed location of the substation. She stated she was aware that in the future additional power stations would be necessary, but did not feel it was acceptable in that location. She stated she had signed a petition with 170 others that was

representative of how they felt about the proposed zoning ordinance text change. She felt the text change would open up the Town to more transformer stations in residential zones which would radically change residential zones and result in spot zoning. She stated she had hoped to have an expert witness present to offer his services but he had not arrived yet. She stated the text change would open up the neighborhood to potential decreases in property value, safety issues and pollution to groundwater. She stated she did not know if there would be PCB's or any type of oils would be used at the substation and added that even vegetable oil was combustible. She stated the proposed the location was in or near an aquifer and was concerned there could be leaching of pollutants into the groundwater from the site. She noted the existence of feeder lines from Connecticut that appeared would connect to those at the proposed site. She suggested the Council look into a potential hazardous waste clean up on Narragansett Way as there is abandoned equipment and gas tanks that had been left on the site. She questioned if National Grid would be responsible enough to clean it up.

Roger Kenyon of River Road thanked the Council for their time and deliberation on such a difficult matter. He commented that a substation in this area was illogical in this instance resulting in the requirement for this neighborhood to carry a burden as a result of development at Exit 1, which was of prime concern to current residents. He noted a substantial portion would benefit the Town of Westerly. He felt National Grid should consider the 72 acre site off of Narragansett Way and that they had shown a disregard for the 6 acre site which contained ponds and possible wetlands.

Sandra Neugent of Alton Bradford Road reported that she had been informed that National Grid was considering the purchase of 42 acres in Ashaway and that surveying had been done and was worth investigation. Mr. Ward suggested that this property was in proximity to Amelia Street.

James Sloane, Esq. was present and entered his appearance. He stated he was present at the request of Linda Barton and indicated he had testified at various

hearings of this nature in other Towns in Rhode Island including whether granting the amendment would create a diminution of property values. He reported he had looked over the proposed amendment, had viewed the proposed site and could render an opinion if requested.

**TOWN SOLICITOR REPORT**

Town Solicitor Buckley reported that during the last meeting a dark sky ordinance was requested; that Town Planner James Lamphere had drawn a draft ordinance which had been passed to Solicitor Levesque; reported that the lights that had been on continuously on the Oak Street electric substation were now off; reported her law firm had undergone a name change and was now called Bengtson and Jestings.

**COUNCIL PRESIDENT REPORT**

Town Council President Thomas Buck reported he had been researching matters regarding the National Grid Petition and the possibility of locating it on Narragansett Way; reported the negotiations on the Clerical and Professional-Technical Contract were completed.

**TOWN MANAGER REPORT**

Town Manager William DiLibero reported on his involvement with the Council President negotiating pending contracts; that he was continuing to meet with Sergeant Lyman and Officer Cole regarding the police contract; had met with Daniel Kinder, Esq. in preparation for the Mauti arbitration; had attended the Senate hearing at the State House pertaining to the elimination of the Caruolo Act; had forwarded the proposals for the 1904 elementary school reuse which reflected a slight decrease in fees; had attended a meeting of the RI League of Cities & Towns; a meeting with the RI Foundation and local officials at the Washington Trust pertaining to funding opportunities; attended a labor and management seminar at Providence College; In regards to the double pole issue, he stated Public Works Director Doug Reese had reported to him that 33 poles had been taken care of with another 18 more ready for Verizon and the Cox Cable Company to move their lines. Councilor Kenney questioned if there was anything more that could be done to encourage Verizon to move their lines. Mr. DiLibero responded the Town could file a complaint to the Public Utilities Commission

(PUC). Councilor Thompson questioned when the draft graded bank ordinance could move forward. Mr. DiLibero responded he would speak to Town Planner James Lamphere the following day. Councilor Thompson stated she would like to see a workshop scheduled in August on the gravel bank ordinance.

Council President Buck stated it had been a pleasure working with Mr. DiLibero, who was leaving to take the Charlestown Administrators post. Councilor Thompson noted Mr. DiLibero had been a nice fit for Hopkinton. This was Mr. DiLibero's last meeting and the Council wished him well.

**OLD BUSINESS**

**TOWN BILLS**

There were three additions to the bills list: \$10,626.06 to Yardworks from CDBG funds for the Depot Square Park; \$85.00 to Charlestown Computers; \$292.69 to the Westerly Sun.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH THE ADDITIONS OF VOUCHERS IN THE AMOUNTS OF \$10,626.06 TO YARDWORKS; \$85.00 TO CHARLESTOWN COMPUTERS; AND \$292.69 TO THE WESTERLY SUN, AND NO DELETIONS.

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

OPPOSED: None

SO VOTED

**RENOVAL LIGHTING SYSTEMS, INC. TAX STABILIZATION**

Mr. DiLibero reported he had spoken to the owners of Renova Lighting Systems. They were requesting meet with the Council on July 20, 2009. He reported they would meet with the Town Planner regarding their landscape and lighting plans. The Renova Lighting Systems, Inc. tax stabilization status regarding compliance with their landscaping and lighting design was continued to July 20, 2009.

**ONSITE WASTEWATER MANAGEMENT PLAN**

This matter had been scheduled for discussion and approval of Hopkinton's Onsite Wastewater Management Plan (OWMP). Community Development Block Grant Coordinator Geoffrey Marchant was present. Fuss & O'Neill Senior Project Manager M. James Riordan was present. The development of the onsite wastewater management plan had been developed in conjunction with the Town's of Exeter and Richmond. Approval of a plan would provide access to low interest loans for residents with an interest rate of 2% for systems up to \$30,000.00 with a ten year term. The Town's had received a grant from the RIDEM back in 2001/2002 and the grant agreement would be closed out June 30, 2009. Town Solicitor Patricia Buckley had reviewed the OWMP. The OWPM describes how septic systems are to be managed. A reciprocal activity brochure was anticipated to be sent out with the annual tax bills and would explain the importance of maintenance, inspections, pump-out of septic systems every three to five years. The RI Cleanwater Finance Agency will be the agency to cut the loan agreements and would partner with RI Housing. The Town's responsibility would be if someone defaulted on a loan the Town would be required to make the loan payments back to the RI Cleanwater Finance Agency but the default rate was low, so there was minimal risk involved. Councilor Felkner questioned the requirements for the loan; whether labor law requirements, prevailing wage requirements, Davis Bacon Act, etc. would have to be adhered to. Mr. Riordan responded, no as it would be handled as third party. Councilor Felkner expressed some trepidation on the program as he was aware of situations with individuals who had been involved with the lead abatement program and it was found that the consumer had no power and no one to complain to. Mr. Marchant stated he too had concerns but they were very minor concerns. He stated the OWMP would make sure people got the best price for a septic system and RI Housing would approve the loan based on Town standards and underwriting criteria. He stated any contractor can design and/or repair a system. RI Housing only reviewed the application. The certificate of conformance would come from the RIDEM and the check would be cut by the RI Cleanwater Finance Agency. Councilor Felkner questioned if Mr. Marchant could provide him with a copy of the loan agreement. Councilor Capalbo asked if there were three bids for a septic repair/replacement,

would the lowest bid be chosen. Mr. Marchant stated it was contingent upon RIDEM approval of the design. It would be rebid otherwise. Councilor Capalbo questioned the grievance procedure if the job was of poor quality. Mr. Marchant stated the RIDEM would be involved and proof of system failure would be necessary. Councilor Kenney noted that it had nothing to do with the present procedure to approve the OWMP. Council President Buck noted those questions would not be dealt with now and asked what Mr. Marchant required of the Council. Mr. Marchant stated he needed approval of the Onsite Wastewater Management Plan so that it could be submitted to the RIDEM and RI Cleanwater Finance Agency. He suggested at some point the Council could have those agencies come down to address them regarding default rates and other questions from the Town Council. Mr. Marchant stated Town approval of the OWMP would fulfill the obligation to the RIDEM under the grant. Mr. DiLibero questioned if there was a risk to the Town regarding compliance with the financing program. Mr. Riordan responded no, the plan allowed for a range of septic management including septic system maintenance, public education and outreach. Councilor Felkner stated he could not support approval of the plan until he saw the loan agreement. Mr. Marchant stated approval of the plan did not automatically open the door to the financing. He stated it might be possible to get an extension of time on the grant. Mr. Riordan stated approving the plan it would keep the ball in the court for the Town and noted there was a verbal agreement from the Director that he would sunset the grant but there was no guarantee. Councilor Felkner stated he had an issue regarding if a septic was determined to be failed. Mr. Riordan explained that if the RIDEM issued notice of a failed septic system, the resident could have access to a low interest loan to repair the system. Councilor Thompson noted that this was just a plan, there was no cost to the Town because it was voluntary but it would allow access to low interest 2% loans. She felt the Town should move forward with the plan for residents who choose to fix their septic system. Councilor Felkner questioned if there would be means testing to determine eligibility as it would be a tax-subsidized loan. Mr. Marchant stated funding would be from the State revolving fund money. He noted capital improvement loans used to be at 4% and were now at 2% because of all the fish

kills in the past. Councilor Capalbo noted the default rate information was not available and felt the Council would need it. Councilor Thompson stated if a person defaulted and the Town ended up having to pay the loan the Town would place a lien on the property owner.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO ADOPT THE HOPKINTON ONSITE WASTEWATER MANAGEMENT PLAN.

IN FAVOR: Buck, Kenney, Thompson

OPPOSED: Capalbo, Felkner

MOTION CARRIED

**PENDING LEGISLATION**

This item had been continued from May 18, 2009 to allow Councilor Thompson to be present in the discussion on whether to support the elimination of the straight party on the ballot. Councilor Felkner supported this legislation as he felt voters should think about whom they were voting for. He noted voting the straight party ticket can negate a vote on the ballot.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ENDORSE THE ELIMINATION OF THE STRAIGHT PARTY BALLOT.

IN FAVOR: Thompson, Kenney, Capalbo, Felkner

OPPOSED: Buck

SO VOTED

**FINANCIAL RESOLUTIONS:**

**RESOLUTION NO. 1**

RESOLVED: In accordance with R.I.G.L. 44-5-2(c) (4), that the electors of the Town of Hopkinton qualified to vote on any proposal to impose a tax or for the expenditure of money, in a Town Financial Referendum, lawfully assembled on the 9<sup>th</sup> day of June A.D. 2009, adopted a budget for Fiscal Year 2009-2010 that is within the maximum tax levy authorized by Section 44-5-2 and imposed upon the Town. The estimated tax rate for 2009-2010 is \$14.79, an increase of 2% over the current rate of \$14.50. The tax rate for Motor Vehicles is \$21.18 according to R.I.G.L. 44-34.1-1, the tax rate for Tangible Property is \$14.79.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADOPT FINANCIAL RESOLUTION NO. 1.

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

OPPOSED: None

SO VOTED

**RESOLUTION NO. 2**

RESOLVED: the voters of the Town of Hopkinton in consideration of the questions on the June 9, 2009 Town Financial Referendum Ballot did approve the following:

Local Question 1 – Earmarking the remaining balance of the following Line Items from the Fiscal Year 08/09 Public Works Department with 90% to be earmarked for the Public Works Capital Projects Account #02-620-5060 and 10% to be earmarked for the Public Works Snow Removal Account #03-600-2851: Repairs & Maintenance Line Item #5300; Repairs & Maintenance Equipment Line Item #5310; Repair & Maintenance Roads Line Item #5320; Repairs & Maintenance Vehicles Line Item #5330; Street Signs Line Item #5360 and Capital Equipment Line Item #6000; and

Local Question 2 – Earmarking the balance of the Sick Leave Fund Line Item #01-000-415 in Fiscal Year 2008/2009 in the estimated amount of \$10,000.00 for the Benefits Reserve Account #03-001-3405; and

Local Question 3 - Earmarking the balance of the Animal Control Vehicle Capital Account Line Item #01-410-5335 in the 2008/2009 Fiscal Year estimated at \$5,000.00 for a Capital Account for an Animal Control Vehicle; and

Local Question 4 – Authorization to borrow an amount not to exceed Two Million Dollars (\$2,000,000.00) for the acquisition and preservation of open space by the Hopkinton Land Trust and approving the financing thereof through the issuance of bonds and/or notes of the Town.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADOPT FINANCIAL RESOLUTION NO. 2.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: Felkner

SO VOTED

**RESOLUTION NO. 3**

RESOLVED: That the Town Finance Director be and is hereby authorized and empowered to credit to any appropriations fund any receipts or donations which apply against that fund and all others not so designated to the General Fund.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO ADOPT FINANCIAL RESOLUTION NO. 3.

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

OPPOSED: None

SO VOTED

**RESOLUTION NO. 4**

RESOLVED: That the several appropriations specified be expended under the direction and supervision of the Town Council, except those pertaining to public schools, bills payable, and interest which sum shall be disbursed and paid out by the Town Finance Director.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADOPT FINANCIAL RESOLUTION NO. 4.

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

OPPOSED: None

SO VOTED

**RESOLUTION NO. 5**

RESOLVED: That the Town Finance Director of the Town of Hopkinton be and is hereby authorized and empowered to borrow upon the credit of the Town as the same may be necessary during the present Fiscal Year such sum or sums as may be required to meet the expenses and obligations of the Town, provided however, that such loans shall not at any time exceed the sum of one million five hundred thousand dollars (\$1,500,000.00).

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADOPT FINANCIAL RESOLUTION NO. 5.

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

OPPOSED: None

SO VOTED

**RESOLUTION NO. 6**

RESOLVED: That the over-expenditures in the 2008-2009 Fiscal Year Budget, identified by the Town Finance Director, are hereby approved.

Councilor Capalbo stated she opposed this resolution to fill in the over-expenditure instead of staying within their budget as she felt it allowed all departments to overspend. Councilor Kenney stated the Town could not close out the year in the red. Agnes Hall from the Finance Office stated departments do not usually go over budget. She stated this year the Town was struggling with low revenues. Councilor Capalbo felt certain departments consistently overspend and referred to the dispatchers who were over budget. Ms. Hall noted that most often it was a problem with revenues. Mr. DiLibero stated it was a difficult situation when it involved public safety and emergency services He stated two dispatchers had been out due to surgery. He noted another situation was related to snow removal; that funds had to be moved around within the departments this year to cover costs. He stated the Town could not stop plowing snow. Councilor Felkner wondered if there was another way to deal with the problem and expressed concern on how the Town would address the problem if revenues tanked. Council President Buck stated there was a bottom line and Councilor Thompson wanted the Council to keep in mind that the dispatchers were under the police department

budget and that bottom line. Town Solicitor Patricia Buckley stated the Town was required to balance at the end of the year.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO MOVE THE QUESTION.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO ADOPT FINANCIAL RESOLUTION NO. 6.

IN FAVOR: Buck, Thompson, Kenney

OPPOSED: Capalbo, Felkner

SO VOTED

#### **TAX RESOLUTION**

RESOLVED: That the Town Council of the Town of Hopkinton based on the budget and warrants approved on June 9, 2009, hereby impose a tax levy at a Town Council Meeting held this 15<sup>th</sup> day of June 2009, and order the apportionment and collection of a tax on the ratable real estate and tangible personal property in a sum not less than \$15,750,000.00 and not more than \$16,050,000.00. Said tax is for ordinary expenses and charges of the Town, for payment of interest and indebtedness, and for the purposes authorized by Law. The assessor shall apportion said respective taxes upon the assessed valuations of the ratable property of said Town as determined by the said Assessor of the Town as of the 31st day of December A.D. 2008, at twelve o'clock midnight, according to Law. The said respective Tax Levies shall be applied to the assessment roll as aforesaid and the resulting tax roll certified by the Assessor to the Town Clerk not later than the thirtieth day of June A.D. 2009. The Town Clerk on receipt of said completed tax roll shall forthwith make a copy of the same and deliver it to the Town Finance Director, who shall forthwith issue and affix to said copy a Warrant under her hand, directed to the Collector of Taxes of said Town, commanding her to proceed and collect said taxes of the persons and estates liable therefore. Said Taxes shall be due and payable on and between the first day of August and the fifteenth day of September A.D. 2009 next, and/or may be paid in equal quarterly installments, the first installment of twenty-five per centum on or before the fifteenth day of September A.D. 2009, and the remaining installments as follows:

Twenty-five per centum on the fifteenth day of December A.D. 2009, twenty-five per centum on the fifteenth day of March A.D. 2010 and twenty-five per centum on the fifteenth day of June A.D. 2010. Each installment of taxes, if paid on or before the last day of each installment period, successively and in order shall be free from all charge for interest.

EXCEPTING HOWEVER, that where the combined total of said tax and additional tax levied is an amount not in excess of one hundred dollars (\$100.00) it shall be due and payable in a single installment on and between the first day of August and the fifteenth day of September A.D. 2009.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period, or periods, as they occur, then the unpaid quarterly payments shall be due and payable immediately and shall bear

interest on any unpaid quarterly payments at the rate of twelve (12) per centum, per annum.

RESOLVED: That the Collector of Taxes shall collect and pay unto this Town's Treasury, as the same is collected, the tax this day ORDERED.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADOPT THE TAX RESOLUTION.

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

OPPOSED: None

SO VOTED

## **NEW BUSINESS**

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

#### **Planning Board Alternate**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPOINT DONALD SIMMONS AS PLANNING BOARD ALTERNATE.

IN FAVOR: Buck, Thompson, Capalbo, Felkner

OPPOSED: None

ABSTAIN: Kenney

SO VOTED

#### **Zoning Board of Review Alternate**

A motion was made by Councilor Thompson and seconded by Councilor Buck to appoint C. Wrigley Bynum as Zoning Board of Review alternate which led to discussion: Councilor Capalbo noted the interview with Mr. Bynum was a good one, she felt he was a nice man but he had only been in Town since September 2008. She felt it would be beneficial for a person appointed to the zoning board to be here longer and suggested he may wish to serve on another board or commission. She felt it may be premature to appoint him to the Zoning Board. Councilor Felkner stated it would be better to appoint him to a different board or commission. Council President Buck felt he had interviewed well and it would not matter if he had been in Town only nine months as the appointee would have to follow the letter of the law specified in the zoning regulations. Discussion ended and the Council proceeded to vote as follows:

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO APPOINT C. WRIGLEY BYNUM AS ZONING BOARD OF REVIEW ALTERNATE.

IN FAVOR: Buck, Thompson

OPPOSED: Felkner, Capalbo

ABSTAIN: Kenney

**MOTION FAILED**

A motion was made by Councilor Capalbo and seconded by Councilor Felkner to appoint Brian Steverman as Zoning Board of Review Alternate which led to discussion: Councilor Thompson did not feel it would be appropriate to appoint him. Councilor Capalbo noted he had lived in Town for many years and was interested in giving back, had worked as an engineer and coach, was quiet, thoughtful, balanced and had a calm nature. Councilor Felkner did not feel he should be guilty by association regarding his references on his application, it was an issue. Discussion ended and the Council proceeded to vote as follows:

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR FELKNER TO APPOINT BRIAN STEVERMAN AS ZONING BOARD OF REVIEW ALTERNATE.

IN FAVOR: Felkner, Capalbo

OPPOSED: Buck, Thompson

ABSTAIN: Kenney

**MOTION FAILED**

Councilor Kenney had abstained from voting on the last three appointments as she had not been present during the interviews for any of these individuals.

**JOINT TOWN COUNCIL & PLANNING BOARD WORKSHOP**

The Council set June 22, 2009 at 6:30 PM as a date for Joint Town Council and Planning Board Workshop regarding the Comprehensive Plan.

**INTERIM TOWN MANAGER**

Councilor Thompson stated a few names that had been floated to serve as interim Town Manager included David Holt and Elwood Johnson. She reported she had spoken to Mr. Holt and Mr. Johnson to consider serving as the Interim Town

Manager and both had declined. She stated she had called M. Linda Urso, who had agreed to come in and talk to the Town Council. Solicitor Buckley commented that Ms. Urso was the Probate Judge. Councilor Thompson stated that she was not an employee of the Town. She received a stipend for the position of Probate Judge. Mr. DiLibero noted he had approached Doug Reese but could not because Mr. Reese did not have a clerk to assist him. The Council will interview M. Linda Urso in executive session on June 22, 2009.

#### **BUDGET STATUS**

Council President Buck questioned the status of the budget for FY ending 08/09. Agnes Hall from the Finance Office stated we were close, the Finance Director was finalizing the numbers.

Town Solicitor Patricia Buckley left the meeting.

#### **CORRESPONDENCE**

No correspondence was discussed.

#### **PUBLIC FORUM**

No one spoke during the second public forum

#### **EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ENTER INTO EXECUTIVE SESSION UNDER RIGL 42-46-5A (2) POTENTIAL LITIGATION; (2) COLLECTIVE BARGAINING – POLICE CONTRACT, PROFESSIONAL & TECHNICAL CONTRACT, CLERICAL CONTRACT.

#### **POLL VOTE:**

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

OPPOSED: None

#### **SO VOTED**

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

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: Felkner

SO VOTED

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk