

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of May 2009 A.D. the said meeting was called to order by Town Council President Thomas Buck at 6:15 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 CAPALBO TO ENTER INTO EXECUTIVE SESSION UNDER RIGL 42-46-5A (1) PERSONNEL – TOWN MANAGER POSITION; (2) COLLECTIVE BARGAINING: POLICE CONTRACT, PROFESSIONAL-TECHNICAL CONTRACT, CLERICAL CONTRACT.

POLL VOTE:

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

OPPOSED: None

SO VOTED

Councilor Thompson left the meeting to attend a meeting of the Chariho Building Committee.

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, Kenney, Capalbo

OPPOSED: Felkner

SO VOTED

Councilor Felkner voted in opposition as he was opposed to the sealing of the executive session minutes.

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

50TH ANNIVERSARY PROCLAMATION – CHARIHO LITTLE LEAGUE

Councilor Kenney read the following proclamation:

***TOWN OF HOPKINTON, RI
50TH ANNIVERSARY PROCLAMATION
IN HONOR OF
CHARIHO LITTLE LEAGUE***

WHEREAS, the sport of baseball has expressed the heart and character of America for many years and has been properly recognized as our nation’s pastime; and

WHEREAS, Little League Baseball is a non-profit organization founded in 1939 by Carl Stotz; and

WHEREAS, the Little League Baseball program encourages local volunteers to run its programs that are open to children ages 6 to 18; and

WHEREAS, the Chariho Little League organization provides a program of service to the youth of our community, dedicated to teaching sportsmanship and the competitive will to win, as well as furthering physical fitness and well-being through healthful association with other youngsters under proper leadership; and

WHEREAS, players, coaches, officials, parents, umpires and countless others work together in an atmosphere of wholesome community activity to provide valuable training for the participants and entertainment for the spectators; and

WHEREAS, the Chariho Little League organization will be celebrating its 50th Anniversary year in 2009;

NOW, THEREFORE, the Hopkinton Town Council expresses the Town’s congratulations to the Chariho Little League and urges all citizens to join with the Town in recognizing this milestone.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE TOWN OF HOPKINTON THIS 18TH DAY OF MAY 2009.

HEARINGS

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

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

SPECIAL EVENT LICENSE

The Council opened a hearing on an application for a Special Event Permit filed by the CTRI Ham Radio Club; William Champagne, 105 Main Street, Ashaway, RI for a Ham Radio Field Day at Crandall Field scheduled for 12:00 PM on June 26, 2009 through 5:00 PM on June 28, 2009.

William Champagne was present. The application was complete. A waiver of the filing fee was requested. There were no objectors present.

Mr. Champagne noted it had been two years since they were last before the Town Council and he asked the Council for their support of the Ham Radio Field Day. He reported he had spoken with Hopkinton Emergency Management Agency Director Michael Oceau and the Town's emergency generator will be made available for use during the event. He reported he had spoken with Recreation Director Mary Sawyer and that the dates they had requested to use Crandall Field were available. He stated the field day would run from 12:00 PM on Friday, June 26, 2009 through 5:00 PM on Sunday, June 28, 2009, including overnight. He stated he did not expect there would be noise that would affect the neighbors from the generator and noted there would be some camping apparatus on the field throughout their stay on the field. Councilor Capalbo commented that it was a great opportunity for learning because in the event of a true crisis, nothing worked but ham radios. Mr. Champagne added it would be an appropriate activity for boy scouts and girl scouts, to allow them to be involved with the emergency-related exercises that would be mixed in with a little fun. He stated that during this past winter's ice storm, it had been reported in the news by the area Mayors and Governors on CNN that the only thing holding them all together had been the ham radio operators. Council President Buck confirmed with Mr. Champagne that they would have three self contained campers situated on the field, but they were requesting the use of the activity center's restroom and were also requesting a waiver of the filing fee. Town Clerk Elizabeth Cook-Martin noted that the Recreation Director had placed on the field use request form that liability insurance must be supplied and the Town named as additional insured.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE SPECIAL EVENT PERMIT FILED BY THE CTRI HAM RADIO CLUB FOR A HAM RADIO FIELD DAY FROM 12:00 PM ON JUNE 26, 2009 THROUGH 5:00 PM ON JUNE 28, 2009 AND TO GRANT A WAIVER OF THE FILING FEE.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

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

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

ZONING ORDINANCE TEXT AMENDMENT HEARING – NATIONAL GRID

The Council opened a hearing on a 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 Assessors 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. and Michael Rook were present. The filing fees had been paid and notice had been posted. A stenographer was present to record the proceedings. The transcript is attached and made part of this record.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPLBO TO CONTINUE THE HEARING TO JUNE 15, 2009 IN ORDER TO HEAR FROM THE BUILDING AND ZONING OFFICIAL.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Clerk requested the Town Council Meeting Minutes of April 20, 2009 be removed from the Consent Agenda as they were incomplete.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY

COUNCILOR CAPALBO TO APPROVE THE CONSENT AGENDA AS

FOLLOWS: Accept the following reports: Animal Control Official, Town Clerk, Tax Assessor – which includes abatements & supplements, Tax Collector - collections to date; Set June 1, 2009 as a hearing date for a special event license filed by the Ashaway Sportsman’s Club for a Field Day for Children; Set June 1, 2009 as a hearing date for a Class F Liquor License filed by the Land Trust as part of an informational evening event at the Langworthy Library.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

Councilor Capalbo noted she may not be at the meeting on June 1, 2009.

PUBLIC FORUM

No one spoke during the first public forum.

TOWN SOLICITOR REPORT

Town Solicitor Patricia Buckley stated she had no formal report.

Councilor Capalbo questioned the status of amendments to the groundwater & wellhead protection mapping update and the status of the gravel bank ordinance.

Solicitor Buckley responded the gravel bank ordinance was in the Town

Manager’s hands. In regards to the status of the amendment to the groundwater & wellhead ordinance & map, she asked Town Planner James Lamphere who was in attendance about whether the abuttor list was approved. Mr. Lamphere reported

the map that showed non-transient and non-community wells had been updated by the former GIS Director Melanie Benda-Joubert to include four additional wells;

one for Saugatucket Springs, three wells by bedrock crystal springs, he had a list of abutters and the matter was on the June 3, 2009 Planning Board agenda for

discussion on the transient wells. He stated a policy change would be required to include transient wells. He noted the Town Council had not authorized any

amendment to the ordinance, only an update to the groundwater protection map.

Mr. Lamphere will discuss it with the planning board and then would come back

to the Council with a recommendation. The Solicitor’s Office will be kept

apprised throughout.

COUNCIL PRESIDENT REPORT

There was no formal report.

TOWN MANAGER REPORT

Town Manager William DiLibero reported on his continuing involvement negotiating the police contract with the Council President, Sergeant Chris Lyman and Patrolman Ron Cole, as well as continued negotiations regarding the Professional-Technical Contract and Clerical Contract; in regards to the vacant GIS/IT position, a candidate for the position had accepted and would be starting next week; reported he had been working with the Finance Director on the proposed budget; in regards to recent activities of the Tri Town Council, a letter had been sent to a Joseph Diaz regarding the use of the Pastore Leisure Center by the three Towns and he had been informed that it was already leased this year. He added that there would be no access allowed by the Towns to the facility at this time. Access to the facility would only be possible when the RFP was published next year. He reported he had attended a seminar on the Swine Flu Pandemic held at the Westerly Hospital, for Westerly area Towns, pertaining to the status of the current swine flu situation and felt it had been a good exercise for this type of health related issue. He suggested the three EMA Directors be invited to attend the next meeting of the Tri Town Council. He stated the last big pandemic's progression had been similar to this one; there was slow progress of the illness in the Spring, then the flu was more severe in the Fall. He stated he supported the sharing of area resources in this matter. Mr. DiLibero reported he and Public Works Director Doug Reese had attended a meeting at the RI Department of Transportation regarding the Federal Stimulus Money in relation to local road construction and they were informed that road construction could not be done in-house. The Town would be required to hire a contracting firm, which would cause a spike in the cost. He reported there had been a couple of visits recently to the 1904 Ashaway Elementary School Building with the Public Works Director, Building-Zoning Official and architects from the Architectura architectural firm. He explained that of the three proposals, this firm had the lowest fees/engineering fees. He reported that there were issues in the structure involving the alarm, heating, rehabilitation of the structure including a bathroom and ADA accessibility requirements. He suggested contacting the Kimball Foundation to

seek financial contributions to be put towards a retrofit of the building in order to use the building. He reported he had attended a meeting of the RI League of Cities & Towns Executive Board; had attended a meeting of the Washington County GIS Professionals; In regards to the proposed gravel bank ordinance Councilor Capalbo had questioned, he reported Councilor Thompson had asked him if it was something that could be rolled into the pending comprehensive plan revisions currently being done by the Maguire Group. He stated he spoke to Dave Westcott at the Maguire Group and a cost proposal would be forthcoming.

Councilor Felkner commented that there was no set plan for the 1904 Ashaway Elementary School Building and stated he felt if there was an organization that had an interest in using the 1904 building that the organization would pay for any updates to the building. Mr. DiLibero stated an architect would determine whether it was feasible to use the building for a particular purpose and any fees for the services of the architect would be paid from the funding that had been set aside for that purpose. He referred to the situation regarding the structural issues with the Thayer House and also that it was not ADA accessible, so the building would have to come up to code. In regards to the 1904 building, other alternatives for use could be considered, such as using three of the classrooms for office space. Councilor Capalbo expressed her concern with Architectura and preferred that that nothing more be done with the building, until after a feasibility study was completed. She noted a determination for the building had not been decided and wanted to pause on that. She stated she agreed that more space was needed for Town offices but was not sure the 1904 building was the place for them. Council President Buck stated the 1904 building was being considered for office space because of the existing problems with the Thayer House, but there was a question as to whether there were fire stops in the 1904 building. Mr. DiLibero stated that in addition to the ramps and alarms, that would also have to be dealt with. Councilor Capalbo stated she did not favor moving forward and hiring Architectura for the 1904 building as they had little creativity and she preferred a firm with broader knowledge. Council President Buck stated he had been interested in determining if the 1904 school building would be viable to use three

classrooms as office space and would take the heat for that decision. Mr. DiLibero added that the Town would also need space for a Town Manager. Councilor Capalbo noted design was her area of expertise and she wanted to participate in the decision on who should be hired. She stated she would like the three firms with pending proposals to be contacted and she wanted feedback on their fees regarding a feasibility study on the building. This matter will be placed as an agenda item on June 15, 2009.

Councilor Capalbo questioned the status of the repairs for Route 216, which was on the list for road repair, and questioned what the time frame was. Public Works Director Doug Reese was present and stated it was on the list because it was a shovel ready project. He stated he would make an inquiry on the status and reported the surveying work had been done the previous year.

Council President Buck suggested contacting the Town of Charlestown, the host Town for the next Tri Town Council Meeting to see if the EMA Directors could be added to the agenda.

OLD BUSINESS

TOWN BILLS

There were four additions to the bill list: \$1,575.00 to Margaret Steele for the municipal court judge stipend; \$8,720.69 to GMAC as final payment of the truck lease; \$696.00 to the RI Traffic Tribunal; \$60.00 refund to Lynette McGill.

Councilor Capalbo questioned the Building Code Commissioner's invoice found on page two. Agnes Hall from the Finance Office Building stated those were the required fees that were paid to the code commission collected by the Building & Zoning Office that were collected through permitting fees. Councilor Capalbo questioned page four the invoice to information systems technology that included a cardio body workout. Ms. Hall stated that was an error, the cardio body workout expense should be a separate vendor for the Recreation Department to Iolanda Bardi for \$50.00. Councilor Felkner questioned the Washington County Regional Planning Council invoice for \$3,000.00 and was informed that it was for annual

dues to the organization. Councilor Kenney stated the Town benefited from being a member of the WCRPC as they had assisted with garnering grants, assisted with the affordable housing ordinances, funded the annual congress of councils and provided service to the Washington County Towns, all of which were members. Council President Buck questioned the Little Medieros Kinder invoice on page four. Mr. DiLibero responded that it was for hours spent on the Mauti litigation and the police contract.

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 \$1,575.00 TO MARGARET STEELE FOR THE MUNICIPAL COURT JUDGE STIPEND; \$8,720.69 TO GMAC AS FINAL PAYMENT OF THE TRUCK LEASE; \$696.00 TO THE RI TRAFFIC TRIBUNAL; \$60.00 REFUND TO LYNETTE MCGILL, AND NO DELETIONS.

IN FAVOR: Buck, Kenney, Capalbo

OPPOSED: Felkner

SO VOTED

STREETLIGHT REQUEST – GREY LANE

The request for streetlights on Grey Lane had been continued from May 4, 2009. Council President Buck questioned if all Councilors had an opportunity to visit the area and stated he had no problem with the addition of the three poles. He noted that Mr. Quinlan had offered to pay for the installation of the lights. Mr. Reese stated normally there was no installation cost. The annual fee was \$128.00 per street light. They did not accept payment for street lights from individual customers. He went on to provide information on the least expensive lights that were mercury vapor lights, adding that they were slowly being phased out, then to a 4,000 lumen light for the poles with a higher lumen light requested for the intersection. Council President Buck reported he had spoken to Mr. Reese earlier so that he could acquire additional information on options. He stated he preferred that as street lights were replaced, that they be dark sky compliant. He pointed out the lighting at the Renova Lighting firm and felt they were to be commended for

their efforts. He stated he felt the lights should be brought down as low as possible by law and to require that they be dark sky compliant. Councilor Capalbo noted it was more than covering the top of the fixture but also covering the sides of the fixture. She noted that the lighting on Block Island was 1800 lumen lighting. Mr. Reese indicated he would speak to someone at National Grid about dark sky compliant lighting and L.E.D. lighting. Councilor Capalbo expressed concern for the neighbors who had a view across from the industrial park as one light would reflect up the hillside. She stated three lights were too many and she recommended that a light not be installed on pole #15, only pole #13 and pole #17. Councilor Capalbo also commented on the poor condition of the road that was to be repaired by the industrial park's owner. Mr. DiLibero noted the delay in repairing the streets could be due to the wait so the water lines could be installed before a repair of the roads. Councilor Kenney stated she had no problem with installing three lights because it was a dark area. Council President Buck stated he viewed the poles going down the street to Western Mass Blasting and that lights would be added to every other pole and he had no qualms about approving all three. Councilor Capalbo made a motion to grant the request for street lights on pole #17 and pole #13. There was no second to the motion. Councilor Felkner asked for clarification why three lights were requested, noting that the facility owner had offered to pay for the installation, so the differential would be the cost of the electricity to the Town. Mr. DiLibero stated the owner had offered to pay for the installation, but that Mr. Reese had reported the electric company did not charge for the installation, it would be the annual cost. Mr. Reese stated there were few lights on the road at present, it would offer lighting to shift workers to the industrial park in the evening, in there were no residences near the location of the lighting, the road was dark and lined with trees with a ditch alongside the narrow road on either side. Councilor Capalbo stated it was not a twenty four hour facility and she did not feel all three lights were necessary. Council President Buck indicated he would vote in favor of Councilor Capalbo's motion for the two street lights referring to her experience with lighting.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR FELKNER TO GRANT THE REQUEST FOR STREET LIGHTS ON GRAY LANE ON POLE #17 AND POLE #13, NOT POLE #15.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

NEW BUSINESS

INTERVIEWS – APPOINTMENTS – RESIGNATIONS:

Planning Board

Peter Santilli submitted letter of resignation from the Planning Board.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO ACCEPT PETER SANTILLI'S RESIGNATION AS ALTERNATE FROM THE PLANNING BOARD WITH REGRET AND THANKS.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO MOVE JOSEPH ESCHER AS THE PLANNING BOARD ALTERNATE MEMBER INTO THE FULL TERM PLANNING BOARD MEMBER POSITION.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

Juvenile Hearing Board

Gary Anderson forwarded a letter of resignation from the Juvenile Hearing Board.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ACCEPT GARY ANDERSON'S RESIGNATION FROM THE JUVENILE HEARING BOARD WITH REGRET AND THANKS.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

PENDING LEGISLATION:

Repeal of the Caruolo Act

The Town had received letters that the Town's of Richmond and North Kingstown had voted to support the repeal of the Caruolo Act. Council President Buck explained the Caruolo Act was a law that could be used by a school committee if a city or town did not give a school committee the funds they thought they needed to operate. It allowed them to come after a city or town. He stated he favored repeal. Councilor Felkner noted that one of the problems was that a judge would rule in favor of a contract even if a school committee negotiated an unreasonable contract, the judge will rule to uphold the contract. Councilor Capalbo noted that our case regarding the Chariho School District, they do not run a deficit, they run in the black. She did not know if it applied to the Chariho Towns. Councilor Felkner noted it was written in the Chariho Act which states the Towns shall pay them. He felt it would mean more for the towns that had discretion over school budgets. Dorothy Gardiner of Canonchet Driftway stated she supports repeal of the Caruolo Act.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER THAT THE HOPKINTON TOWN COUNCIL SUPPORTS THE REPEAL OF THE CARUOLO ACT.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

Mr. DiLibero reported he would be testifying before the legislative finance committee tomorrow, May 19, 2009, on this matter.

In re: elected moderators & clerks - H 5730

The Council had received a letter from Representative Michael J. Marcello regarding the submittal of legislation that would provide a uniform statewide procedure for appointing voting district clerks and voting district moderators and

would make these offices appointed positions through the local canvassing authority in each city or town from names submitted by the local town committees or from the list of qualified voters. Councilor Capalbo offered a motion, seconded by Councilor Felkner to support H5730 which led to discussion: Councilor Felkner questioned why it was more appropriate to appoint vs. being elected. Councilor Capalbo stated she had spoken to the Town Clerk about the legislation. Town Clerk Elizabeth Cook-Martin reported she had spoken to the members of the Board of Canvassers (BOC). She stated this issue had come up before and noted the voting district moderators and clerks are elected positions in Hopkinton. She stated there have been times when an elected voting district moderator or clerk may not be able to work an election for various unexpected reasons and in that instance it the BOC must appoint someone to fill in. She stated the legislation had no impact one way or another. Councilor Felkner asked why make the change then. Mrs. Cook-Martin responded it was not something the local BOC had sought out. The information had been forwarded to the Town by Representative Marcello. Councilor Capalbo felt because it was done anyway and the vacancies would be appointed through the BOC, she felt it would make the process easier. Mrs. Cook-Martin stated the voting district moderators and clerks were on the ballot every two years and if the Democratic and Republican Town Committees still submitted candidates they would appear on the ballots unless state law was changed. She stated she was not sure what precipitated the submittal of this legislation. Councilor Felkner spoke against the legislation as he felt it would take the power away from the people and preferred not to consolidate the power to the Town Council. Council President Buck added that in larger communities it may be a political issue. Councilor Capalbo and Councilor Felkner withdrew their motion and second.

Elimination of straight party ballot

Councilor Felkner noted Representative Brian Newberry had written regarding the elimination of the option to vote a straight party on the ballot for Rhode Island elections. The RI Statewide Coalition also sent information in support of this. Councilor Felkner stated that in instances when the vote was for the straight party and if the voter marked other race, it negated the whole ballot. He felt

philosophically it would be nice for people to make individual choices. Council President Buck did not feel this would pass as the Democrats were the party in control. Councilor Capalbo felt people did choose because there was a Republican Governor and she felt it was a good idea that should be passed. Council President Buck commented that the straight party vote was an option some preferred. Councilor Felkner felt the onus should be on the people to make a decision. Councilor Felkner suggested tabling the matter until Councilor Thompson was available.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO TABLE THE MATTER TO JUNE 1, 2009.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

BUDGET STATUS

The Town Clerk reported that she would be working with the Solicitor to finalize ballot, prepare warrant for advertisement and posting for the Town's budget referendum set for June 9, 2009 from 7:00 AM to 9:00 PM at the Town Hall.

CORRESPONDENCE

No correspondence was discussed.

PUBLIC FORUM

No one from the public spoke during the second public forum. Council President Buck reported that Councilor Thompson had been present, but left to attend a meeting of the to Chariho Building Committee meeting. A matter had been scheduled towards the end of their agenda at the Town's request.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk