

State of Rhode Island

County of Washington

In Hopkinton on the fourth day of May 2009 A.D. the said meeting was called to order by Town Council President Thomas Buck at 7:00 P.M. in the Hopkinton Town Hall, 1 Town House Road, Hopkinton, RI.

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

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

HEARINGS

A MOTION WAS MADE BY COUNCILOR FELKNER 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 License filed by Turning Pointe Therapeutic Riding for an Indoor Bazaar scheduled for May 31, 2009 from 8:00 AM to 2:00 PM to be held at Turning Pointe Therapeutic Riding located at 40 Collins Road, Ashaway, RI and identified as Assessor's Plat 5, Lot 7 continued from April 20, 2009. The applicant was not yet present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO TABLE THIS MATTER TO THE END OF THE MEETING.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

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

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

BIRTHDAY PROCLAMATION – MARY BOTELLE

Council President Buck read the birthday proclamation in honor of Mary Botelle:

*A
Birthday Proclamation
For
Mary Botelle*

WHEREAS, On January 19, 2009 Mary reached a milestone that is both noteworthy and enviable, her 90th birthday; and

WHEREAS, She has lived a long, productive life, still working a part-time job; and

WHEREAS, Acting in the Hopkinton spirit of “Not to be Silent nor off our Guard”, she puts pen to paper, giving a voice of reason to controversial issues; and

WHEREAS, In doing so, inspires the community to take a deeper interest in Town affairs; and

WHEREAS, This outstanding individual spreads her good works and deeds throughout the Town, selflessly and anonymously for the benefit of others; and

WHEREAS, Setting a commendable example and helping to make Hopkinton a great place to live; and

NOW BE IT PROCLAIMED, that the gratitude of our Town be conveyed to Mary Botelle and a copy of this Proclamation be spread upon the records of this Town so that all may know of her pride in her community and of all her good works.

THEREFORE BE IT PROCLAIMED, the Hopkinton Town Council does set May 9, 2009 as “Mary Botelle Day” in the Town of Hopkinton,

IN TESTIMONY WHEREOF, we hereunto set our hands and have caused the seal of the Town of Hopkinton to be affixed on this 4th day of May in the Year of Lord Two Thousand and Nine.

CONSENT AGENDA

The Town Council Meeting Minutes of April 20, 2009 were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO APPROVE THE CONSENT AGENDA AS

FOLLOWS: Accept the following report: Tax Collector which includes adjustments; Set May 18, 2009 as a hearing date for a Special Event Permit filed by CTRI Ham Radio Club.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

Councilor Capalbo requested clarification on the discussion held on the historic tax credits found on page seven of the April 20, 2009 Town Council Minutes.

Town Clerk Elizabeth Cook-Martin noted she would review the dialog, revise the minutes and resubmit them for approval.

PUBLIC FORUM

Ray Cox of Main Street questioned the status of the double poles as he was still seeing a number of them in Town. Council President Buck stated he had spoken to the Town Manager about this matter. Mr. Cox also mentioned there still were many no-passing zone signs on the roads and that it was all no passing zones on Main Street. Mr. Cox stated he would make a list and submit it to the Town Manager.

TOWN SOLICITOR REPORT

There was no report.

COUNCIL PRESIDENT REPORT

Council President Buck reported he had attended the April 22, 2009 Tri-Town Council Meeting where discussions were held about combining resources including a centralized senior center and a Tri-Town summer camp at the Pastore Leisure Center; had attended the Congress of Councils where the sharing of resources was also the topic of discussions.

TOWN MANAGER REPORT

Town Manager William DiLibero reported he had met with Daniel Kinder, Esq. in regards to the police contract; reported that his selected candidate for the GIS/IT position had withdrawn, deciding to stay in Oregon, so he may have to re-advertise the position; had finalized the report on the finances for the Town Hall mold remediation; had met with the Finance Director in regards to the proposed budget and that with the latest revisions the proposed tax rate would be \$14.84 per thousand up \$0.34 from last year; had sent correspondence to the RI Department of Environmental Management and had spoken to the Director regarding the availability of the Pastore Leisure Center for use by the three Towns for

recreation purposes and found that the same group that had reserved the center last year, had reserved it for this year. He added that should the Towns be able to reserve it, rent would have to be paid, so a package of information would have to be assembled and support would have to be sought through the legislation; that Joe Diaz, Director of Planning at the RIDEM was the contact, a site review by the three Town's Recreation Directors would have to be done. Councilor Capalbo questioned if it would be suitable for handicapped children. Mr. DiLibero responded it was. Mr. DiLibero noted the area senior citizen populations were communicating and they were mobile and willing to drive to a centralized location. In regards to the double pole issue, he stated he had contacted an individual at the Public Utilities Commission (PUC) and had received the name of an individual who handles matters of this nature and would need a list of the double poles in Town. Councilor Capalbo noted there were four double poles in Ashaway in the area near the location of the substation. Council President Buck stated he counted five sets of double poles from the Meeting House Bridge to the Town Hall; Councilor Felkner questioned the apparent confusion between whose responsibility it was to remove the lines, National Grid or Verizon. Mr. DiLibero explained that National Grid, Verizon and Cox Communications were the utilities on the lines and that Verizon was the least willing to relocate their lines. Mr. DiLibero reported he had met with Mr. Quinlan, Mr. Rando and Denise Bourke regarding the Golf Pavilion. He stated the owner, Mr. Rando had been considering bulldozing the buildings, but that new management was interested in coming in to run the restaurant, which would be good for them and good for the new businesses in the area, so that this direction would be progressing with a possible tax stabilization request in the future. He stated he had sent the application on and had spoken with Tax Assessor Steven Hazard about it; he reported he had met with Public Works Director Doug Reese and Building-Zoning Official Brad Ward regarding using space in the 1904 Elementary School for offices, but there may not be fire stops in the structure which would limit the office population to eight individuals. He had hoped to get in touch with the State Fire Marshall to get a variance similar to what the Ashaway Fire District had done. Councilor Capalbo suggested he should not assume the fire stops were not

there. Council President Buck stated in regards to the Golf Pavilion issue, he would have some serious questions regarding the tax issue which would affect whether or not a request for stabilization would move forward.

OLD BUSINESS

TOWN BILLS

There was one addition to the bill list in the amount of \$24,673.50 to Yardworks, Inc. for the Depot Square Park, which would come out of Community Development Block Grant Funds. Councilor Capalbo questioned whether the South County Community Action invoice for SCCA youth employment on page five of the bill list was funded through CDBG funds and Agnes Hall from the Finance Office present, responded it was.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH THE ADDITION OF \$24,673.50 TO YARDWORKS, INC. AND NO DELETIONS.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

NEW BUSINESS

INTERVIEWS – APPOINTMENTS – RESIGNATIONS

There were no interviews, appointments or resignations.

REQUEST OF FOSTER PARROTS, INC. FOR TAX EXEMPTION

Marc Johnson and Karen Johnson were present. Tax Assessor Steven Hazard was present. Council President Buck stated he had visited the facility this past week and had explained to Mr. Johnson the Town's current economic status. He commented that he was amazed about how many love birds there were. Mr. Johnson responded they had 172 love birds.

Mr. Johnson stated he was not sure where to start but he began by apologizing for the tone in his letter which had been interpreted as threatening. He stated it was not a threat but a desperate attempt to inform the Council that the future of the

facility was on the line and in doubt. He stated a large donation had been offered to purchase the former “Dubs” property. He stated the buildings were in horrible condition but when he and his wife Karen Johnson were evaluating the property they felt it had potential. He stated he began taking in birds twenty years ago in a three room apartment in Massachusetts and the foster parrots organization had evolved since. He stated there were 40 million tropical birds in the United States presently and that few persons were prepared to deal with large birds that were intelligent animals but were not domesticated. He reported that the MSPCA in Boston, Massachusetts once considered him a hoarder but recognized the value of what he was doing after they had visited the Hopkinton facility. He stated he was one of a half dozen individuals who were doing sort of this work. He stated Tufts University students receive credits for volunteering and working at the facility and that educational programs were being developed so that they could give back. He stated they were interested in pursuing teaching local educational programs but were not prepared at this time from a financial standpoint. He noted their winter expenditures included a six thousand dollar utility bill and a nine thousand dollar bill for propane and they were stretched to the maximum. In addition, the buildings were in serious need of renovation but in order to turn the karma around, they would need help. He suggested a moratorium on their taxes be considered for a couple of years and then a revisit of the issue in the future to renegotiate a tax payment. He stated his only days off are when volunteers are available to work so had little time to get out and get acquainted.

Councilor Felkner questioned if the donation had been specific to the property. Mr. Johnson stated they rented the property from Roy Dubs first and had hoped to purchase it. He stated they had rescued a parrot from a woman in Connecticut and she had offered to buy the property through the sale of her stocks, but the stock market was down, so the value of her stock was down to \$475,000.00. Mr. Johnson stated Mr. Dubs had made a lot of concessions in the sale. Councilor Felkner questioned the capacity of the facility. Mr. Johnson responded the sky was the limit. They had renovated 5,000 square feet of building space to date with the intention of renovating an additional 5, 000 square feet but were pretty much

stalled as the grant they had anticipated from the RI Foundation had turned them down because the birds were not Rhode Island birds. Mrs. Johnson noted that all of the love birds were from Rhode Island. Mr. Johnson stated he and his wife had hand fed them and it had been filmed for Animal Planet which would draw good press for the Town of Hopkinton. Councilor Felkner questioned if the goal was for adoption of the birds. Mr. Johnson responded no, that the assumption was that the birds were domesticated, but they are not. He stated he had been to the emergency room on three occasions to treat wounds given to him by birds. He stated the pet trade perpetuated the fraud. He noted there had been adoptions under certain circumstances. Mrs. Johnson noted that the MSPCA and Animal Rescue League were big, well funded organizations. The Johnson's facility served to provide a permanent sanctuary for birds that had been bred for the pet trade, but had failed as pets, to avoid euthanasia. Mr. Johnson stated they had been concentrating on the buildings and had not had time to make local contacts. He reported they had just enrolled at the University of Rhode Island for an intern program. Councilor Felkner questioned their funding sources. Mrs. Johnson responded she was responsible for the grant writing and they received individual donations. Councilor Felkner questioned their budget. Mrs. Johnson responded it was one half million dollars per year. Councilor Felkner questioned if that was for just for their operations. Mr. Johnson responded it was all used. That both he and his wife were employed full time, with two part time employees and they had 500 animals to feed and care for with a salary of between \$45,000 to \$50,000 per year. He stated the facility had a lot to offer and added something special to the Town. Councilor Felkner noted their correspondence indicated they would take their programs to the local schools and questioned if they were doing that now. Mr. Johnson responded they had not but wanted to get the word out in the future about programs. Councilor Felkner questioned if they had planned for how they were going to pay their taxes. Mr. Johnson stated he had been naïve and thought they could do it. He assumed because they were a 501c3 organization that it would be an automatic tax exemption. Mrs. Johnson noted that each year they had done better and better but that with the purchase of this property and with the economy tanking out, their situation changed, there had been unforeseen expenses. Mr.

Johnson stated the propane expense was due to the doubling of the space housing the animals and that he had not been aware that it would be that expensive.

Councilor Capalbo questioned if there were other charitable organizations with tax exemptions. Mr. Hazard responded the Nature Conservancy was the only one and that they had donated land to the Town. He added the state statute says religious or educational purposes. Councilor Capalbo noted that the relationship with the Nature Conservancy had been a very long term arrangement and that their facility was not, yet, and their future with the Town was unknown as they were not a religious or educational facility and had only just arrived in Town. She felt this type of exemption would open up real problems and did not feel the Council could exempt this major piece of property. She explained that the taxes were how the Town paid for its services. She noted the Johnson's did not reside in Hopkinton. Mrs. Johnson stated she felt things would stabilize and added they were not going anywhere, they were not leaving. They would be a permanent fixture in Town once they were able to get over the financial stumbling blocks. The Johnson's would be selling their Massachusetts home and would move to Town. Councilor Capalbo noted the Town had a tax stabilization policy in place that contained a five year term. She suggested they speak to the Town Manager and Tax Assessor. Council President Buck stated Tax Assessor Steve Hazard was going to visit the facility and that he had other ideas on other options available to them such as the Farm, Forest and Open Space program; applying for more federal grants, renting some of the space in the buildings in the front of the property for antique car storage in exchange for a monthly fee. Council President Buck expressed his concern for the Hopkinton taxpayers that were experiencing a tough year with people being unemployed and possibly losing their homes. He stated the proposed tax increase this year was held to 2.3% but he had preferred to see a 0% increase. He stated the Council had to look at the Town as a whole, but anyone had a right to approach the Town Council and ask for consideration. Councilor Capalbo noted there were other avenues to consider, not just a tax exemption, that the Town Manager and Tax Assessor could help with. Mrs. Johnson noted they would accept any kind of a break at this point. Councilor Capalbo suggested there were tools to use until they were a strongly educational

facility. It was noted that there was a possibility of the addition of primates in the future at this facility. Council President noted it was a great facility, they had enormous potential but recommended visitors be provided with ear protection.

STREETLIGHT REQUEST FOR GRAY LANE

Public Works Director Douglas Reese forwarded a street light installation request and street light field investigation report recommending approval to the Town Council for the installation of three streetlights on Gray Lane. There are at present no street lights on Gray Lane, which connects to Wellstown Road and is where the Hopkinton Industrial Park is located. Mr. DiLibero reported Mr. Quinlan had approached he and Mr. Reese about installing street lights and had offered to pay for the lights, their installation and, if the bill could be segregated out, the electricity as well. The lights would serve to light up the access to the building on Gray Lane. Councilor Kenney reviewed the proposed locations of the poles, pole thirteen would be on the corner of Wellstown and Gray Lane and pole fifteen would be on Gray Lane. Councilor Capalbo felt pole fifteen should be deleted because the light would affect the homes situated on the hillside. She commented on the condition of the roadway and asked if it would be renovated. Mr. DiLibero stated it was his understanding that an upgrade of the road was planned. Councilor Felkner confirmed the associated costs for the installation were to be taken care of by the applicant. Mr. DiLibero responded that this was his understanding, but whether the electrical costs could be segregated out was uncertain. Council President Buck felt that it could be done on a per kilowatt hour basis. He stated he would like to see dark sky compliant lighting pursued. Councilor Capalbo noted that it would be up to the State to determine what was needed on the roads and added she supported lights on pole seventeen and pole thirteen but not pole fifteen. Mr. DiLibero stated Hopkinton Industrial Park was at one hundred percent capacity; they would be constructing a 100,000 square foot addition; would be hiring more employees and was the Town's economic engine. He added the original request had been for four lights. Councilor Capalbo commented that there would be lights installed on the building as well, but with the planned addition they would also need a light at pole eleven. She supported lights on pole seventeen, thirteen and eleven. Council President Buck commented that every

other pole would contain a street light and suggested because the lighting would be floodlights, the spread of the light should be reviewed. He stated he had not yet visited the proposed location. Councilor Felkner questioned if the matter had to be acted on during this meeting. Councilor Kenney felt the corner pole would be a suitable place to install a streetlight. Councilor Capalbo stated the offer by the applicant to pay for the electricity was not necessary. She stated she was concerned about the affect of lighting on the neighbors. Council President Buck requested each Councilor take the time to inspect the area. This matter was continued to the May 18, 2009 Town Council Meeting.

HEARINGS

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER 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 License filed by Turning Pointe Therapeutic Riding for an Indoor Bazaar scheduled for May 31, 2009 from 8:00 AM to 2:00 PM to be held at Turning Pointe Therapeutic Riding located at 40 Collins Road, Ashaway, RI and identified as Assessor's Plat 5, Lot 7 continued from April 20, 2009.

Miriam Garber was present. Council President Buck questioned if the applicant was requesting a waiver of the filing fee as it was not listed on the application. Ms. Garber responded they were. Council President Buck noted they were requesting a waiver of the police services requirement and asked how many vendors were anticipated. Ms. Garber responded that fifteen vendors had committed with another ten vendors un-committed. Councilor Felkner questioned if they had held an event of this nature before. Ms. Garber responded no, not this type of event, but other events had been held there but the persons who were involved in the events at that time, no longer worked at the facility. Council President Buck questioned the items being offered for sale. Ms. Garber responded

horse tack, jewelry, quilted horse-themed items, CD's were being offered for sale by a guitarist, an eclectic mix of items. Councilor Capalbo felt there chances were good that they would have one hundred people show up because people favored yard sales. She stated she had no problem waiving the filing fee as Turning Pointe was a non-profit organization but she felt having one officer present would be advisable adding that many officers rode horses and may consider donating their time. Council President Buck noted they would be unable to donate their time as it would violate the terms of their contract. Ms. Garber questioned if it had to be a Hopkinton police officer. Councilor Capalbo felt it would. Councilor Felkner did not feel there was a need for police presence. Ms. Garber reported all staff members were trained in CPR and first aid and that she also possessed wilderness training/first aid. She stated the horses would be in their stalls or in the far pastures, other than the demonstration horses. Councilor Felkner questioned if they worked with clients from the Olean Center and Ms. Garber responded they did. Council President Buck stated Ms. Garber would be in for a great ride, referring to when he started out planning the Washington County Fair. He stated they would need state certificates from the RI Department of Health and a Certificate of Liability Insurance.

There were no objectors present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO APPROVE THE SPECIAL EVENT PERMIT FILED BY TURNING POINTE THERAPEUTIC RIDING INC. FOR AN INDOOR BAZAAR AT TURNING POINTE ON MAY 31, 2009 FROM 8:00 AM TO 2:00 PM AND TO GRANT A WAIVER OF THE FILING FEE, POLICE OFFICER REQUIREMENT AND VENDORS LICENSE.

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 A LICENSING BOARD AND RECONVENE AS A COUNCIL.

IN FAVOR: Buck, Kenney, Capalbo, Felkner

OPPOSED: None

SO VOTED

BUDGET STATUS

Council President Buck reported the Financial Town Assembly was set for Tuesday, May 5, 2009 at 7:30 PM at the Hope Valley Elementary School and encouraged taxpayer involvement. Budget status had been discussed during the Town Manager's report.

CORRESPONDENCE

Councilor Felkner stated he had received a letter from Representative Newberry and requested to have on the next agenda discussion regarding the pending legislation regarding the elimination of straight party voting. Mr. DiLibero noted he had just distributed correspondence from the RISC on the same subject.

Councilor Capalbo requested H5730 pertaining to voting district moderators and clerks be placed on the May 18, 2009 Town Council Agenda for discussion.

Mr. DiLibero reported he had received a resignation from Hopkinton Police Sergeant William Georgetti.

PUBLIC FORUM

No one spoke during the second public forum.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk