

State of Rhode Island

County of Washington

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

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

Absent: William Felkner.

The meeting began at 7:00 PM and 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

OPPOSED: None

SO VOTED

LIQUOR LICENSE RENEWALS

The Council opened a hearing on renewal of the following Liquor Licenses:

Class A:

Hopkinton Liquor Depot, Lynn Marie Finn, President of PLW Hopkinton. Inc. – 229 Main Street, Ashaway, RI 02804. Donna Dexter was present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE HOPKINTON LIQUOR DEPOT CLASS A LIQUOR LICENSE SUBJECT TO ALL STATE, TOWN AND FIRE REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Village Place, LLC – Edwin Russell, President/Susan McDonald, Vice President, 999 Main Street, Hope Valley, RI 02832. Edwin Russell was present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE VILLAGE PLACE CLASS A LIQUOR LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Class BV:

Brick Oven Restaurant – Keith Knott, President/Eva Platt, Vice President, 209 Main Street, Ashaway, RI 02804. Keith Knott was present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE BRICK OVEN CLASS BV LIQUOR LICENSE SUBJECT TO ALL STATE, TOWN AND FIRE REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Fenner Hill Country Club, LLC – Ronald Levesque & Dennis Levesque, 33 Wheeler Lane, Hope Valley, RI 02832, w/courtesy cart. There was no representative present. This matter will be placed on the November 16, 2009 Town Council Agenda.

Legends Bar & Grille, Inc., Wendy Ainsworth, 14 Spring Street, Hope Valley, RI 02832. Wendy Ainsworth was present. Councilor Capalbo questioned how the new outdoor space at the establishment was working out. Ms. Ainsworth

responded excellent – that they had used the patio a number of times during the summer and that they hoped to pave the parking lot next year.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE LEGENDS BAR AND GRILL, INC. CLASS BV LIQUOR LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Lindbrook Golf Course – Joseph Collette & Craig Collette of JFC-KIM Investment Group, LLC, 299 Woodville Alton Road, Hope Valley, RI 02832. Craig Collette was present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE LINDHBROOK GOLF COURSE CLASS BV LIQUOR LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Lucky House Restaurant, Inc., Danny Zeng, President – 32 Main Street, Ashaway, RI 02804. Danny Zeng was present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE LUCKY HOUSE RESTAURANT, INC. CLASS BV LIQUOR LICENSE SUBJECT TO ALL STATE, TOWN AND FIRE REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Pavilion Restaurant, Denise Bourque, President, Pavilion Properties, 15 Frontier Road, Hopkinton, RI 02833. Denise Bourque and Stephen Bourque were present. Councilor Capalbo thanked the Bourque's for their efforts to turn off the lights when they were not needed and both she and Councilor Thompson asked how the business was going. Mrs. Bourque indicated it was going well.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO GRANT RENEWAL TO THE PAVILION RESTAURANT CLASS BV LIQUOR LICENSE SUBJECT TO ALL STATE, TOWN AND FIRE REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Wood River Golf Course - Kathleen Thompson, President, 78A Woodville Alton Road, Hope Valley, RI 02832, w/courtesy cart. Matthew Thompson was present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE WOOD RIVER GOLF COURSE CLASS BV LIQUOR LICENSE SUBJECT TO ALL STATE, TOWN AND FIRE REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Class B-LIMITED:

Main Street Pizza, Christopher Hoinsky, President, 229 Main Street, Ashaway, RI 02804. Christopher Hoinsky was present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE MAIN STREET PIZZA CLASS B-LIMITED LIQUOR LICENSE SUBJECT TO ALL STATE, TOWN AND FIRE REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Class D – FULL PRIVILEGE:

Gordon Greene Post No. 27 American Legion – 34 Thelma Drive, Hope Valley, RI 02832. Michael Alger was present. This license was also scheduled for a review of their probationary license. Mr. Alger reported he had met with Sergeant Baruti and that he was under the impression that he was to forward something on to the Council.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE GORDON GREENE POST NO. 27 AMERICAN LEGION CLASS D LIQUOR LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Notice had been posted. Filing fees for the above establishments had been paid or were pending. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO SET THE LIMIT ON LIQUOR LICENSES AS FOLLOWS: Class A – 2; Class B-V Limited – 1; Class BV – 7; Class D -1.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

VICTUALLING LICENSE RENEWALS

The Council opened a hearing on renewal of the following Victualling Licenses:

Ashaway Mart/Valero, 216 Main St., Ashaway, RI 02804
Brick Oven Restaurant, 209 Main St., Ashaway, RI
Fenner Hill Country Club, 33 Wheeler Ln., Hope Valley, RI
Hopkinton General Store, 493 Main St., Hopkinton, RI
Legends Bar & Grille, Inc, 14 Spring St., Hope Valley, RI
Lindbrook Golf Club, 299 Woodville Alton Rd., Hope Valley, RI
Lucky House Restaurant, 32 Main St., Ashaway, RI
Ma & Pa's Country Cookin, 865 Main St., Hope Valley, RI
Ma & Pa's Country Store, 1044 Main St., Hope Valley, RI
Main Street Pizza, 229 Main St., Ashaway, RI
Pavilion Restaurant, 15 Frontier Rd., Hopkinton, RI
Pete's Grocery, 244B Ashaway Rd., Bradford, RI
Spring Street Market, 1 Spring St., Hope Valley, RI
Tim Horton's New England Inc., 231 Main St., Ashaway, RI
West's Bakery, 995 Main St., Hope Valley, RI
Whispering Pines Corp., 41 Saw Mill Rd., Hope Valley, RI
Wood River Golf, 78A Woodville Alton Rd., Hope Valley, RI

Councilor Capalbo questioned if the Hopkinton General Store was open or would be opening this year. Council President Buck responded they were not open at this time. Councilor Thompson stated she would expect that they would be. Council President Buck stated he was aware that there was septic work pending at the site. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE ASHAWAY MART/VALERO, BRICK OVEN RESTAURANT, FENNER HILL COUNTRY CLUB, HOPKINTON GENERAL STORE, LEGENDS BAR & GRILLE, INC., LINDHBROOK GOLF CLUB, LUCKY HOUSE RESTAURANT, MA & PA'S COUNTRY COOKIN, MA & PA'S COUNTRY STORE, MAIN STREET PIZZA, PAVILION RESTAURANT, PETE'S GROCERY, SPRING STREET MARKET, TIM HORTON'S NEW ENGLAND INC., WEST'S BAKERY, WHISPERING PINES CORP. AND WOOD RIVER GOLF VICTUALLING LICENSES SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

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, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

GROUNDWATER WELLHEAD PROTECTION ORDINANCE & MAP AMENDMENT

The Council opened a hearing on an ordinance in amendment of Chapter 131 Groundwater & Wellhead Protection Ordinance and Map of Appendix A Zoning of Chapter 134 of the Code of Ordinances of the Town of Hopkinton, RI as amended, introduced and sponsored by Councilors Buck, Thompson, Kenney & Capalbo. Solicitor Buckley stated the amendment would provide an update to the map so that it would be in conformity with State Maps from the RI Department of Environmental Management and RI Department of Health relating to the approvals of wells by the State and those protection zones around a well. She explained that Hopkinton's groundwater and well head map consisted of primary protection zones and secondary protection zones. Due to the size of the aquifer, if a parcel was not in a primary zone, it was in the secondary zone. She stated new wells came on line periodically and the Town's map was outdated as there was no provision to capture these newly approved wells. The intent of the ordinance amendment was to capture the wells that had come on line since 2004. Town Planner James Lamphere had identified four new wells; three of them were grouped together: Saugatucket Springs and the three Bedrock Crystal Springs wells. She stated the changes to the ordinance were insignificant and included a couple of language changes and a provision for updates two times per year. There were no questions from Councilor Capalbo or Councilor Kenney. Councilor Thompson thanked Mr. Lamphere for his assistance and referred to his memorandum of explanation dated November 2, 2009. Mr. Lamphere in turn thanked the Planning Board, Conservation Commission, GIS/IT Director Matthew Desmaris and former GIS/IT Director Melanie Benda-Joubert for their participation. Land Trust Board of Trustees Member Carol Baker confirmed the changes to the ordinance related to the map only, that there were no changes to

the use table, the regulatory teeth of the ordinance. This was confirmed. There were no other comments made by the Council or the public.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO CLOSE THE HEARING AND SET NOVEMBER 16, 2009 AS THE DATE TO CONSIDER ADOPTION OF THE ORDINANCE AMENDMENTS.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

CONSENT AGENDA

Councilor Thompson removed the October 19, 2009 Town Council Workshop Notes and Councilor Capalbo removed the October 19, 2009 Town Council Minutes from the consent agenda for corrections.

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

FOLLOWS: Set January 4, 2010 as hearing date for renewal of Campground Licenses; Set January 19, 2010 as the second Council Meeting in January due to Martin Luther King Day Holiday; Set January 19, 2010 as hearing date for renewal of Commercial Haulers Licenses.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Councilor Thompson commented on the wording in the first paragraph of the workshop notes, the addition of the word “to” will be inserted into the first sentence between “due” and “questions”. Regarding the October 19, 2009 Town Council Meeting Minutes, Councilor Capalbo requested the addition Officer Kenyon’s name on page 3 of the minutes in the second paragraph; on page 7 she requested clarification in the first paragraph, to replace, “at that time” with “through December 30, 2008” at the end of the ninth sentence as it relates to Mr. Grills’ ownership of the property.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF OCTOBER 19, 2009 AND TOWN COUNCIL WORKSHOP NOTES OF OCTOBER 19, 2009, AS AMENDED.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

PUBLIC FORUM

Ray Cox of Main Street stated he noticed there had been little progress on the removal of double poles and was aware of two places that should be taken care of soon: one was across from his home that was splintered and one at the four corners near his house. Council President Buck reported the Public Works Director had gone out three or four weeks ago and updated the list. Mr. Cox noted they needed to be removed and if they were not down by Christmas, he may decorate them.

TOWN SOLICITOR REPORT

Town Solicitor Patricia Buckley reported she had attended the Public Utilities Commission (PUC) site visit that was related to the Appeal taken by the National Grid also attended by the Council President, Town Planner James Lamphere, Building-Zoning Official Brad Ward, Interim Town Manager M. Linda Urso and added that their group had been outnumbered by the PUC Staff. She reported they had visited the preferred site as well as the Oak Street substation, Narragansett Way and other property. They walked the perimeter of the preferred site which consisted of 12 acres, which when they were on the parcel did not seem that big; they saw the alternate site and viewed the electric substation on Oak Street, which was an eyesore. A 30 day abeyance of the matter is in place while the other sites are being explored. A new hearing date would be set with a new date for filings.

There were two residents in the audience who were not identified that questioned the ordinance amendment and the RIDEM regulations. Solicitor Buckley stated the Towns requirements under the ordinance were more stringent than that of the State. The two individuals indicated the State was restricting them from what

could be done with their property and questioned what would happen if the State added new restrictions. Solicitor Buckley responded you had to follow State Law. The two individuals stated two acres of their four acre property was being impacted and they would not be able to build on the parcel. Solicitor Buckley stated the Town Council had no ability to affect State Law. The couple felt that this would affect their taxes. Solicitor Buckley advised the two individuals that they take their issue up with the Tax Assessor. Carol Baker commented that she was not a RIDEM employee but that she was aware that the State regulations only prohibited large scale underground storage tanks and that they would still be able to build a small scale home. She offered to speak with them.

COUNCIL PRESIDENT REPORT

Town Council President Thomas Buck reported he had attended the PUC site visit. He thanked the residents who called him and sent him cards during the time his mother was ill and he had been in Chicago visiting with her.

TOWN MANAGER REPORT

Interim Town Manager M. Linda Urso reported she had prepared a short written report; had forwarded the MetroPCS tower lease in advance to the Council for their review; that the lease had been negotiated over a series of months and had been reviewed by the Solicitor, as well as the Public Works Director who was familiar with the site and had indicated there was no problem with the site and there was adequate space on the ground for the related equipment; had received a resignation from the Animal Control Officer who would be retiring in December and that she had provided a job description to the Councilors and if they had any changes or additions to let her know. She reported she had been contacted by a representative from the US Census Bureau requesting space to offer questionnaire assistance to the public. She stated during the last census, space had been provided at the Crandall House and that Recreation Director Mary Sawyer was familiar with that. Ms. Urso stated the census representative would need space and a desk in the spring for approximately 15 hours per week during normal business hours. She reported that Mary Lynn Caswell had taken the Municipal Court Clerk position and would be attending a training session in Cranston on November 13, 2009; had received and distributed a matrix for NIMS training to

the Town's departments; had spoken to EMA Director Oceau about the changes he was to seek from the RI Department of Health to the RIDOH grant agreement to insert the EMA Directors name and to leave the Town Managers name blank. She read from her supplemental report "Mike Oceau just contacted me regarding the RIDOH grant which was before you last session. The DOH indicated that we should make the changes to the agreement concerning the contact person name and signatory name, as otherwise it will be much delayed by going through state processes again, and the document is time sensitive. Again, Mike indicated that we should sign and return the agreement as soon as possible. On a related matter, Mike indicated that two elementary school H1N1 flu shot clinics are scheduled as follows: Friday November 6 from 4:00 PM to 8:00 PM at Hope Valley Elementary School; and Monday, November 30 from 4:00 PM to 8:00 PM at the Ashaway Elementary School. Mike indicated that he will be in attendance. A Hopkinton police officer has been requested for the Hope Valley clinic, and will be required for the Ashaway clinic as well. Parking support may be needed, but Mike indicated that he will arrange for it if needed. The Town's costs associated with these clinics may be covered by an addendum to the grant referred to above. The availability of these additional funds is not yet certain, but should they become available, the Town would be eligible if we are parties to the grant agreement noted above". Ms. Urso stated the agreement had been amended.

Councilor Capalbo felt the Animal Control Official's job description and duties should be stronger as it involves extensive work with animals both domestic and wild, rabid foxes, farm animals large and small, that with Hopkinton being a rural community, the candidate should show extensive work with a variety of animals.

Councilor Thompson referred to the clinic schedule and questioned who decided on the dates as she was disappointed that the clinic for the Ashaway Elementary School students was at the end of the month. Council President Buck noted the clinics had been set up by lottery.

Council President Buck commented on two items: that the NIMS training was not one half hour as previously stated; and that the police officer required at the flu shot clinics be a regular detail officer as he did not want to pay overtime. Ms. Urso noted the police department has had several people out and the clinics are required to have an officer on duty. She noted Mr. Oceau would arrange help with parking assistance if it was needed.

OLD BUSINESS

TOWN BILLS

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH NO ADDITIONS OR DELETIONS.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

RESOLUTION RE: NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Solicitor Buckley reported she had taken the Governors Executive Order and adapted it for the Town. She advised that if the Council was to adopt the resolution that it had to be followed. Council President Buck stated EMA Director Michael Oceau had informed him that we were.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADOPT THE RESOLUTION REGARDING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

The resolution follows:

**TOWN OF HOPKINTON
RESOLUTION**

**DESIGNATION OF THE NATIONAL INCIDENT
MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL
INCIDENT MANAGEMENT IN THE TOWN OF HOPKINTON**

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together

more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Town's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the national Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, THE TOWN OF HOPKINTON does hereby establish the National Incident Management System (NIMS) as the Town standard for incident management.

PUBLIC HEALTH EMERGENCY RESPONSE GRANT AGREEMENT FROM RI DEPARTMENT OF HEALTH

This matter had been continued from October 19, 2009 for a revised agreement.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE TOWN MANAGER TO SIGN PUBLIC HEALTH EMERGENCY RESPONSE GRANT AGREEMENT FROM RI DEPARTMENT OF HEALTH.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

HOPKINTON MEDICATION EMERGENCY DISTRIBUTION PLAN

The Hopkinton Medication Emergency Distribution Plan had been distributed by EMA Director Michael Octeau during the workshop held on October 19, 2009.

Councilor Thompson noted she had reviewed the plan and had two corrections and an update of data, phone numbers and an update to the Town Manager's

information. She provided a hard copy to the Council and Town Clerk and stated she would email them to Mr. Oceau as well.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE HOPKINTON MEDICATION EMERGENCY DISTRIBUTION PLAN WITH THE EDITING CHANGES IDENTIFIED BY COUNCILOR THOMPSON.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

THE NATURE CONSERVANCY PROPERTY TAX MATTER

This matter had been continued from continued from October 19, 2009 for the Town Solicitor to review an ordinance adopted in 2001 that exempted Nature Conservancy (TNC) properties in general, without limitation to the property and without limitation of time. Solicitor Buckley stated the assessment should not have been made. She reported she had spoken to Tax Assessor Steven Hazard and Tax Collector Rita Deane. She noted Mrs. Deane does a wonderful job and was not happy about the exemption. She felt the intention of the 2001 ordinance was to limit the exemption to that particular year. She stated Mr. Hazard had informed her that historically, The Nature Conservancy or other non-profits came to the Town Council as a courtesy. She stated this one fell between the cracks and the Town could not collect the tax. She recommended amending the ordinance so it was clear. She stated Mrs. Deane had concerns with taking property off the rolls when someone leaves a property to the TNC and/or it was not going to be committed to the farm, forest and open space requirements, how she could recoup some of the taxes. Solicitor Buckley stated she was not sure at this point how to address it, but would be following up with Mr. Hazard and Mrs. Deane and talk about whether it could be tied to the farm, forest and open space program. She stated the Council may see an ordinance revision in the near future.

RESCHEDULE SCHOOL OPTION/FUNDING WORKSHOP

No action was taken to reschedule the workshop. The Council removed this item from the calendar for the time being until more information is received on the

subject that would be labeled school funding/school choice. Solicitor Buckley reported she had received an email from Councilor Felkner with information related to this issue.

NEW BUSINESS

INTERVIEWS – APPOINTMENTS – RESIGNATIONS:

In regards to the current Chariho Building Committee, it had been reported that Hopkinton representative member Ann Bettinger Guimond had not been attending the meetings. Councilor Thompson indicated she had tried to contact Mrs. Guimond by telephone and had visited the home where she had spoken to her husband at their address. The home was for sale and she had been informed by him that Mrs. Guimond had moved to Charlestown. Council President Buck stated if she had moved out of town it would cause her appointment to be null and void. Councilor Capalbo read from Section 1231 of the Town Charter: “No person shall be appointed to any board, commission or committee of the Town unless he or she is a qualified elector of the Town and a resident actually living in the Town, except as otherwise provided by State law and by this Charter, and if any appointed member of any board, commission or committee ceases to meet such qualifications, the position shall become vacant” Councilor Capalbo felt the individual should be replaced as soon as possible. A motion was made by Councilor Thompson and seconded by Councilor Capalbo to appoint Dorothy Gardiner to the Chariho Building Committee which led to discussion: Councilor Kenney commented that a resignation had not been received and also felt the vacancy should also be advertised. Council President Buck stated Mrs. Guimond was not showing up at building committee meetings. Councilor Kenney stated Mrs. Gardiner already served on another commission. Councilor Capalbo read from Section 1240 Multiple Office Holding the Charter: “No elected member of the Town government shall hold more than one elective or position in the Town Government at the same time. No elected member of the Town government shall, at the same time, hold any position by virtue of an appointment by the Town Council or the Town Manager, Appointed members of the Town Government may hold more than one appointed position if the Town Council fails to find and appoint any other Town elector to the vacant position. Membership on boards or

commissions that act as representation of the Town of Hopkinton in regards to the School District shall not disallow that elector from serving on another board, committee or commission in Town government. Discussion ended and the Council proceeded to vote as follows:

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPOINT DOROTHY GARDINER TO THE CHARIHO BUILDING COMMITTEE.

IN FAVOR: Buck, Thompson, Capalbo

OPPOSED: Kenney

SO VOTED

Councilor Kenney voted in opposition because the vacancy had not been advertised.

APPOINTMENT OF TOWN MANAGER

The Council had held interviews for the Town Manager on October 16, 2009.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ACCEPT THE RECOMMENDATION OF THE TOWN MANAGER SEARCH COMMITTEE AND APPOINT WILLIAM A. MCGARRY AS HOPKINTON TOWN MANAGER SUBJECT TO A BACKGROUND CHECK AND SIGNED MANAGEMENT CONTRACT.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

Mr. McGarry was in the audience and introduced to the public.

Councilor Thompson presented a bouquet of flowers to Interim Town Manager M. Linda Urso and stated she appreciated that Ms. Urso had stepped in on the Towns behalf; that she had given up hours with her family and her work for the Town. Council President Buck stated she had made his job easier. Councilor Capalbo added that Ms. Urso was a calm, thoughtful and kind individual.

Councilor Kenney stated it had been a pleasure working with her again this second time around.

METRO PCS LEASE AGREEMENT

The lease had been prepared by Interim Town Manager M. Linda Urso and was ready to be signed.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE METRO PCS LEASE AGREEMENT SUBJECT TO THE TOWN MANAGER AND TOWN SOLICITOR'S APPROVAL.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

BUDGET STATUS

There was nothing to report on this item.

CORRESPONDENCE

The Council noted receipt of correspondence from Superintendent Barry Ricci regarding the Omnibus Meeting which had been scheduled for January 21, 2010. Requests for agenda items are due by November 30, 2009. Council President Buck stated at the last Tri Town Council Meeting, discussion was held regarding coming up with questions that affected the three Towns in the district at their next meeting. Councilor Capalbo supported the Tri Town Council's involvement at the Omnibus Meeting.

PUBLIC FORUM

Dorothy Gardiner of Canonchet Road, Driftway thanked the Council for placing their trust in her by appointing her to the Chariho Building Committee, going on to state that she would need their support; would be requesting copies of minutes, contracts, financials, etc., would be a fully participating member and would provide periodic reports. She noted she had not originally been in favor of the building proposal, but now would support the effort and make sure it came in on time and under budget.

Carol Baker of Ashaway Road and a member of the Land Trust, thanked the Council for abating the taxes on the Grills property, a matter that had fallen through the cracks. She stated she would be contacting The Nature Conservancy regarding the Council's comments and wishes. In regards to the appointment to the Chariho Building Committee, she expressed her disappointment how the Council had handled it and felt the position should have been made known through advertising it, so others could apply. She felt the Council should have followed a procedure. Councilor Thompson noted that it had been advertised at the start. Councilor Capalbo stated her concern was with how long the person had not attended meetings and had not represented Hopkinton's interests. She had expected that someone would have let the Council know, but there was little said even though the absence had been pending for some time. Mrs. Baker agreed that there was no excuse and that it appeared Mrs. Gardiner was a good choice, but she felt the Council should want to encourage people to be involved in Town government.

Richard Millar, a resident of the Town of Richmond, RI commented how nice the meeting room turned out. He questioned if the Town Manager's position was a part time or a full time position. The Council informed him it was full time.

Ronald Kennedy of Fenner Hill Road commented on the Hopkinton General Store Victualling License and questioned what it covered. Councilor Capalbo responded there would be food sold on the premises. Mr. Kennedy commented this property was the original post office and now it was being used for boat storage, truck storage and construction materials, it was not a store. He felt a clarification of the property was needed as it was in the historic district.

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 CONTRACT.

POLL VOTE:

IN FAVOR: Buck, Thompson, Kenney, Capalbo

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: None

SO VOTED

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk