

State of Rhode Island

County of Washington

In Hopkinton on the eighth day of September 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, Barbara Capalbo, William Felkner; Town Solicitor Patricia Buckley; Interim Town Manager M. Linda Urso; Town Clerk Elizabeth Cook-Martin.

Absent: Beverly Kenney.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ENTER INTO EXECUTIVE SESSION UNDER RIGL 42-46-5A (2) LITIGATION; (1) PERSONNEL – INTERIM TOWN MANAGER SALARY.

POLL VOTE:

IN FAVOR: Buck, Thompson, Capalbo, Felkner

OPPOSED: None

SO VOTED

Councilor Kenney had arrived during the executive session.

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

OPPOSED: Felkner

SO VOTED

The regular 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 CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO SIT AS A LICENSING BOARD.

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

OPPOSED: None

SO VOTED

SPECIAL EVENT PERMIT

The Council opened a hearing on an application for a Special Event Permit filed by David Henley on behalf of Wood River Health Services, 823 Main Street, Hope Valley, RI 02832 for an Autumn Fest to be held on the grounds at 823 Main Street and scheduled for October 18, 2009 from 11:00 AM to 3:00 PM.

The applicant was not present. Councilor Capalbo commented the application requires a copy of their insurance with the Town named as additional insured and the applicant indicated that a copy of the insurance would follow, which she would like to address during the hearing.

The hearing would be tabled for the time being. If the applicant does not arrive during the meeting, the matter will be continued to September 21, 2009.

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

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of August 17, 2009, August 3, 2009, July 20, 2009 and June 15, 2009 were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Set September 21, 2009 as a hearing date re: renewal of junkyard license; Set November 2, 2009 as hearing date for renewals of liquor licenses; Set November 2, 2009 as hearing date for renewals of victualling licenses; Accept the

following reports: Animal Control Official, Town Clerk and Tax Collector's collections to date.

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

OPPOSED: None

SO VOTED

Councilor Felkner had removed the August 17, 2009 Town Council Meeting Minutes so they could be voted on separately as he had not been present. Council President Buck noted he had not been present at that meeting either.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO APPROVE THE AUGUST 17, 2009 TOWN COUNCIL MEETING MINUTES.

IN FAVOR: Thompson, Kenney, Capalbo

OPPOSED: None

ABSTAIN: Buck, Felkner

SO VOTED

Councilor Capalbo questioned who the "I" was in the memo read by Councilor Kenney, found on page 3 relating to Verizon and National Grid. Town Clerk Elizabeth Cook-Martin responded she had been the person who had been contacted by the utilities. Councilor Capalbo stated page 12 mentioned a mutual aid agreement and questioned whether the matter would be scheduled on an agenda to discuss the particulars of whether it had to be done periodically. Ms. Cook-Martin reported she had provided the Council with a copy of the agreement approved by the Council some years back and that the Town Manager had requested Sergeant Daniel Baruti to look into the status of the signatures by the various police chief's. No changes were made to the minutes.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE AUGUST 3, 2009 TOWN COUNCIL MEETING MINUTES.

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

OPPOSED: None

SO VOTED

Councilor Capalbo stated the energy resolution found on page 3, item 5 should have the same wording as item 4 beginning with “Feasibility of”.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO APPROVE THE JUNE 15, 2009 TOWN COUNCIL MEETING MINUTES, AS AMENDED.

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

OPPOSED: None

SO VOTED

The Town Council Meeting Minutes of July 20, 2009 will be revised and brought back to the Council for approval.

PUBLIC FORUM

Robert Gelinis of 17A Main Street in the Frenchman’s Village noted he had moved to Ashaway from Woonsocket where he had also worked for 21 years. He stated he loved the area and reported he had been treated very well during recent visits to Town Hall to pay taxes and by the Building & Zoning Official who had assisted him regarding what he could do about his property. He stated he had one complaint about vehicles speeding along Route 3 near the Meeting House Bridge where the speed limit was 35 mph. He said on Fridays and Saturdays vehicles were traveling around 60-65 mph. He suggested radar patrols be set up in the area as he was concerned with people who walked their dogs could be harmed. He offered his yard to the police department to park their cruisers. He questioned if there was a leash law in Town and was informed there was. He stated dogs were allowed to run freely in the Town’s parks and he felt there should be a “pooper-scooper” ordinance enacted. Additionally, he reported that beer cans were being tossed out of vehicles along the road. The Council asked the Town Manager to speak to the Chief about increasing patrols on Friday and Saturday nights.

David Henley arrived as the representative for the Wood River Health Services Special Event Permit.

HEARINGS

Councilor Kenney stepped down and recused herself from voting as she served on the Wood River Health Services Board of Directors.

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

IN FAVOR: Buck, Thompson, Capalbo, Felkner

OPPOSED: None

SO VOTED

SPECIAL EVENT PERMIT

The Council opened a hearing on an application for a Special Event Permit filed by David Henley on behalf of Wood River Health Services, 823 Main Street, Hope Valley, RI 02832 for an Autumn Fest to be held on the grounds at 823 Main Street and scheduled for October 18, 2009 from 11:00 AM to 3:00 PM.

Mr. Henley was present. A waiver of the filing fee was requested. Mr. Henley was asked if their updated insurance had been issued yet. Mr. Henley responded September was time frame for the annual rollover, so the last policy was still in effect. He stated he would provide a copy of the new insurance policy to the Town Clerk. Councilor Thompson questioned the previous year's event. Mr. Henley stated he had been pleased with the turn out even though it had been cold. He noted this year a blood drive was planned. He reported he had spoken to the Chief of Police about the police services requirement and it had been decided that an officer was not necessary. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE SPECIAL EVENT PERMIT FILED BY DAVID HENLEY ON BEHALF OF WOOD RIVER HEALTH SERVICES, 823 MAIN STREET, HOPE VALLEY, RI 02832 FOR AN AUTUMN FEST TO BE HELD ON THE GROUNDS AT 823 MAIN STREET AND SCHEDULED FOR OCTOBER 18, 2009 FROM 11:00 AM TO 3:00 PM AND TO GRANT A WAIVER OF THE FILING FEE.

IN FAVOR: Buck, Thompson, Capalbo, Felkner

OPPOSED: None

SO VOTED

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

IN FAVOR: Buck, Thompson, Capalbo, Felkner

OPPOSED: None

SO VOTED

Councilor Kenney returned and was reseated.

TOWN SOLICITOR REPORT

Town Solicitor Patricia Buckley reported that a pre-hearing had been scheduled by the Public Utilities Commission (PUC) at the Town Hall on September 29, 2009 at 6:00 PM regarding the appeal by the National Grid of the Town Council's decision pertaining to the zoning ordinance text change for electric substations. She noted the PUC would conduct the meeting and sit in the Council's seats. She noted there would be no other opportunity for public comment on this matter and suggested the public be informed of the meeting. Town Clerk Elizabeth Cook-Martin questioned if she had to provide notice and was informed she did not. She questioned who would be providing access to the Town Hall to the PUC on September 29, 2009. This will be determined later. Councilor Thompson suggested a notice about the meeting be placed on the Town's website. Councilor Capalbo stated the notice should be specific. It does not pertain to National Grid's request for an increase in revenue.

Solicitor Buckley stated she would not be able to attend the Town Council Meeting on October 5, 2009, so Solicitor Romano or Solicitor Levesque may be present at that meeting on her behalf.

COUNCIL PRESIDENT REPORT

Town Council President Thomas Buck reported he had had a great month. He was done with the various fairs he was involved with and was ready to get back to work with the Town business at hand. He and Councilor Thompson requested the Town Clerk to contact the Towns of Charlestown and Richmond to request a continuance to October 22, 2009 of the Tri Town Council Meeting that was to be

hosted by Hopkinton on September 17, 2009 because it coincided with a meeting of the Platting Board of Review on the same evening.

Councilor Kenney stated Jeff Broadhead from the Washington County Regional Planning Council would like to provide an update on the energy grant to the Council during the September 21, 2009 Town Council Meeting.

TOWN MANAGER REPORT

Interim Town Manager M. Linda Urso stated she had provided a written report which she highlighted: A meeting had been scheduled with representatives from the Westerly Hospital for Friday, September 11, 2009 with Town Managers from Westerly, Hopkinton and Charlestown pertaining to the H1N1 virus; RIDEM had contacted her regarding the status of the landfill closure involving the Town's remedial action work plan and the status of the \$25,000.00 RIDEM grant. She stated there was a lot of detail on this issue and noted she had tried to collect the grant the last time she had served as interim manager. She stated a work plan from the Town was an open issue and noted she had prepared a separate memo on this matter to the Council; reported Councilor Thompson had prepared an in-depth study of a significant water line expenditure that has been referred to the Finance Office for review and comment; that Lieutenant Baruti was looking into the status of the tri-town police agreement, looking for the fully signed version to determine if additional signatures were required; She had met with Animal Control Official Nancy Meissner regarding the status of the dog license ordinances and possible changes; reported GIS/IT Director Matt Desmarais had been working to repair/restore the sound system which was nearly complete, the amp was not repairable and would have to be replaced at a cost of approximately \$350.00; reported there was a septic system overflow at the Hope Valley Elementary School and that Chariho School Committee Member Georgia Ure had asked that the Building Inspector look into the failure and remedy to ensure proper measures had been taken. In regards to the two proposals by Open Government and Granicus, she stated Mr. Desmarais advises the additional expense by either vendor was not recommended because the audio/video system the Town had

should serve the Town's needs. She asked if the Council was in agreement with this assessment and they were.

Councilor Capalbo requested the Town Manager request the GIS/IT Director to provide a link to the senior services information from the Town's of Charlestown and Richmond. Councilor Thompson stated she had found the boards and commissions section did not have information on the Affordable Housing Partnership, Juvenile Hearing Board and that the wrong meeting day was listed for the Zoning Board of Review. Solicitor Buckley stated the Town Manager email address should be corrected as well. Councilor Kenney suggested removing the display name.

OLD BUSINESS

TOWN BILLS

Councilor Capalbo questioned page 2 of the bill list, what livescan leases were. Agnes Hall from the Finance Office stated it was for the finger print machine. Councilor Capalbo questioned page 4 of the bill list, if the Ford Motor Credit invoice was a final payment. Ms. Hall responded that it was for these two police cars. Councilor Capalbo questioned the reimbursement to Mary Lynn Caswell on page 6 of the bill list for attendance at a conference. She felt conferences were budgeted in departments for the department heads. Ms. Urso stated the Tax Collector wanted the Deputy Tax Collector to attend the conference. Councilor Capalbo questioned the MCI invoice for the meal site phone on page 7 of the bill list. Ms. Hall responded it should be the final bill left over from the phone service change over. Council President Buck questioned the Westerly Auto Parts invoice on page 12 of the bill list in regards to what happened to necessitate a cruiser repair. Ms. Hall stated she did not know.

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

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

OPPOSED: None

SO VOTED

SET HEARING DATE RE: AMENDMENT TO GROUNDWATER AND WELLHEAD ORDINANCE & MAP

The Town Council set October 19, 2009 as a hearing date regarding an amendment to the Groundwater and Wellhead Ordinance and Map.

TRI-TOWN COUNCIL/CHARIHO: REDISTRICTING OF ELEMENTARY SCHOOLS

This matter had been scheduled for a discussion and decision regarding the redistricting of Elementary Schools. Councilor Thompson reported that when Chariho School Committee Chairperson Holly Eaves had addressed a meeting of the Tri Town Council she had indicated the School Committee did not want to bother with expending time and energy on a study of this issue unless all three Town Council's supported the effort and now it appeared the School Committee was in fact proceeding in this direction and was interested in funding a transportation study.

Councilor Kenney noted that on a case by case basis, there permission has been granted for a student from another town to attend a different town's elementary school.

Councilor Thompson read from a memo that she had talked to residents that have specifically purchased property in our town, even though the school tax rate is higher, chose to live here due to the elementary school's excellence. With redistricting, they may find their children will instead attend a school in another town; If a Hopkinton child attends Charlestown School, but used to pay a higher Hopkinton school tax rate, would they now get to pay the lower Charlestown School tax rate?; Currently we have protections in the Chariho Act. If a child or sibling is in the elementary school, they can stay in that school until 4th grade; People want their children to be schooled locally. They want them close to home. Hasn't every study and survey proved the kids score better on every measure when they stay in the local school? If the goal is to have shorter runs for those on the boundary line, thereby lessening transportation consider this, even if you think you live close to a school, you may still have up to an hour run, or more. However, in most instances it is the run, not where you live that determines the length of the bus ride. For instance, my kids were only one mile away, a 15 minute ride, but the bus turned south at the intersection, dropped off the kids, then

doubled back to original intersection an hour later. She noted it's the run. Even if a child on the boundary drives by a different school, they will still be likely to be on a long bus run; What's to keep the administration from having a RYSE program in one of the elementary schools and now the elementary kids from the other 2 elementary schools will have to be transported there. What other programs will be developed but at just one school. What will happen to the students on the boundary lines when a grade in one school ends up overcrowded, will they end up ping-ponged to different schools to ease this problem, but not because they are closer to a school. Will it erase any decreased costs or increase them?; The idea of redistricting has been a Richmond issue. They need to ease their elementary school overcrowding by erasing the Town boundaries. Richmond also wants equal representation on the school committee. Currently, they have more students enrolled than Charlestown, but have three school committee representatives while Charlestown has four; Councilor Thompson stated she did not recommend this piecemeal approach and asked: Do we waste time and money on this when the State has already started phase one of a statewide transportation system. Over the next 3 years they will be establishing the mechanism to include phase 2 and 3 that will include transportation services to all students; Do we trust in the future that whoever gets elected to the school committee will make the right decisions once they have total autonomy over who goes to which elementary school?; Is it right to pay a higher school tax rate but not attend your local school?; The Chariho Act requires residents to prove residency. Why? Because they pay a different school tax depending which town you live in. Now, if we redistrict or remove those lines, you will still prove residency but still pay a higher or different amount than the rest of the students in the same class. Is that right?; However, if we are going to go down the road of becoming more like one district, like Westerly, then lets take down all the lines, one district, with district wide school committee representation, with one school tax rate. She stated she would prefer that a management study be done and they hold off work on the redistricting.

Councilor Capalbo stated she had two comments on this issue: 1. She stated she felt the State of Rhode Island would be moving forward on the transportation aspect and; 2. The Town Council has a responsibility to its citizens pro and con,

that the Town Council had asked for input. She stated this was a fiduciary matter and if there was to be an agreement by the Council to move forward with the process, than some concept or idea of cost was necessary. She stated there was no way to answer that because no financial information has been received from the district, so a determination of whether it is a good idea or no could not be made. She stated management studies had been done before and that no attention had been given to the study. Council President Buck agreed that other studies had been done of the district by MGT and the Chariho Entrance, Expansion & Exit Committee, but a management study had not been done.

Town Clerk Elizabeth Cook-Martin noted other areas of concern would be with the issue of choice, would a parent have a choice of where their child attended school; that there was the issue of who would serve as an individuals elected representative; what would be the effect on the elementary school leases, what if one party decided to abandon the lease; who would issue locator cards; how would Hopkinton's bill to Chariho be formulated; no guarantee of shorter bus rides, they may have to add buses.

Council President Buck felt the Chariho Regional School Committee to know that it does not support the redistricting of elementary schools at this time and instead, prefers that a management study be pursued.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR FELKNER TO SEND A LETTER TO THAT EFFECT TO THE CHARIHO SCHOOL COMMITTEE.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

INTERVIEWS – APPOINTMENTS – RESIGNATIONS

There were no interviews, appointments or resignations discussed.

WORKSHOP RE: SCHOOL VOUCHER SYSTEM/SCHOOL FUNDING

The Council discussed scheduling a workshop on this issue. Councilor Felkner questioned if the Council wanted a question and answer session or if they would like him to provide them with information. Councilor Thompson indicated if there

was a study she would be interested in it. Councilor Capalbo stated she would like to have both: information assembled and a series of directions. Council President Buck stated he would like to see what the selling point was of implementing a school voucher system or tax credit. Councilor Kenney stated she felt there was already a lot on the Council's plate including affordable housing, inclusionary zoning, etc. and would rather address those items before this issue is added. Council President Buck was optimistic that the workshop could address more than one topic. The Town Council set October 26, 2009 as a date for the workshop regarding this matter. Councilor Felkner suggested the subject of the workshop should be entitled school choice.

BUDGET STATUS

There was nothing to report.

Council President Buck reported that a unanimous vote had been taken in executive session regarding the Interim Town Manager salary which would be \$2,637.50 per pay period, retroactive to her start date, for her time conducting Town business.

CORRESPONDENCE

Councilor Felkner noted receipt of a resolution from the Town of East Greenwich opposing mandatory binding arbitration for teacher contracts and requested this matter be placed on the September 21, 2009 Agenda.

The Town Clerk had prepared a memo regarding the passing of the holder of the Boston Post Cane, Marion B. Davis.

PUBLIC FORUM

No one chose to speak during the second public forum.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF MARION B. DAVIS, THE 2006 RECIPIENT OF THE BOSTON POST CANE.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk