

State of Rhode Island

County of Washington

In Hopkinton on the second day of February 2009 A.D. the said meeting was called to order by Town Council President Thomas Buck at 7:00 P.M. in the Ashaway Fire Station, 213 Main Street, Ashaway, RI 02804.

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

**6:30 P.M. EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5A (2) EXISTING LITIGATION AND POTENTIAL LITIGATION.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: Felkner

SO VOTED

The regular meeting was called to order at 7:10 PM with a moment of silent meditation and a salute to the Flag.

**APPOINTMENT OF TOWN SOLICITOR**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO APPOINT THE LAW FIRM OF CAROLL, KELLY & MURPHY AS TOWN SOLICITORS.

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

OPPOSED: None

SO VOTED

The appointment covers a two-year term to November 2010.

**HEARINGS**

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

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

OPPOSED: None

SO VOTED

**COMMERCIAL HAULERS LICENSE RENEWALS**

The Council opened a hearing on renewal of the following Commercial Haulers License continued from January 20, 2009: On-Time Disposal, Troy Larkin, 203 Ashaway Road, Bradford, RI. The application and filing fees had been paid and notice had been posted. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE RENEWAL OF THE ON-TIME DISPOSAL COMMERCIAL HAULERS LICENSE.

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

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

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

FOLLOWS: Approve Town Council Meeting Minutes of January 5, 2009; Executive Session minutes of January 5, 2009; Accept the following report: Juvenile Hearing Board.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Scott Bill Hirst of Maple Court noted one responsibility of the General Assembly under the State Constitution was to promote education and the importance of supporting public libraries. He stated the Town Council should hold the General Assembly accountable as a body and require that they work with the Cities and Towns in this regard in light of the budget situation.

**TOWN SOLICITOR REPORT**

Town Solicitor Patricia Buckley reported the Solicitors Office was two thirds of the way through the review of the Exit 1 materials received by her office back in October-November that included regulations and an ordinance proposal. She stated Solicitor Levesque transmitted his comments to the Town Planner this day. She noted the Solicitors had areas of significant concerns that would need study and would take some time to deal with. The Planner memo commented on those issues and concerns, which would have to be looked at more carefully, may have to be changed and may have to be sent back to the committee where it originated. She stated the remainder of the review of the material would be completed soon. Councilor Capalbo questioned the status of the proposed Gravel Bank Ordinance. Solicitor Buckley referred her to the Town Manager:

Mr. DiLibero stated he had received two bids from engineering firms in response to his bid request seeking engineering consultants for technical services: Edwards & Kelsey and DiPrete Engineering. The DiPrete firm had submitted a bid of \$4,000.00. Mr. DiLibero expressed concern that the Edwards & Kelsey firm did not seem to have the technical experience necessary. A third firm, PARE Engineering had responded that they would not be submitting a bid. He added that he had also sought input from the Soil Conservation Service to see if he could get information from the U.S. Department of Agriculture, but they had informed him that they do not offer that sort of support.

**COUNCIL PRESIDENT REPORT**

Town Council President Thomas Buck reported all Councilors had attended the Omnibus Meeting which had been very cordial; reported he had attended a Chariho budget workshop and attended the Comprehensive Plan workshop. He reported he was continuing his daily visits to the Town Hall to monitor the progress of the remediation and renovations: the ceiling had been painted, the interior doors reconfigured to allow space for the Council platform, walls were being prepped for paint. Councilor Thompson noted the handicap ramp had been realigned. Council President Buck stated he had attended a meeting with Councilor Thompson, Town Manager, Building-Zoning Official, Public Works Director and the Contractor, to deal with a list of pending issues related to the renovations.

Councilor Kenney reported the Washington County Regional Planning Council's February 11, 2009 free workshop and dinner is to be held at the Holiday Inn in South Kingstown from 5:30 PM to 9:00 PM with a workshop co-sponsored by Grow Smart RI on the long term implications of land use decisions and how state and local planning intertwine. She noted Kevin Flynn would be one of the speakers and he was also the point person for the stimulus package for the State, so the Town may be able to learn information about the status of the stimulus package. She stated because there had been little response, they were considering canceling the workshop. She asked that the notice be forwarded to the members of the Planning Board to determine if there was anyone interested in attending. The deadline to respond is February 4, 2009. Councilor Kenney will provide her copy of the announcement to the Town Clerk so it can be forwarded on.

#### **TOWN MANAGER REPORT**

Town Manager William DiLibero reported he had been working on proposals for the police contract, meeting with the police; was in the process of reviewing police contracts for comparison purposes from the Towns of Jamestown, Charlestown, Richmond, West Greenwich, Exeter and Foster and was waiting for police contracts from Scituate and Gloster; was reviewing the Professional-Technical and Clerical contracts and preparing related documents; had been dealing with the ongoing Town Hall improvements; had met with Architect Paul

Satas regarding the proposed Town Hall addition, who provided him with the latest drawing of the addition, which he used to submit along with four Town roads in need of re-paving, to the State as part of the stimulus package request. In regards to the resolution passed by the Council on January 20, 2009 in support of Governor Carcieri's supplemental budget, the resolution had been presented to the Governor's Office. Hopkinton was one of the first Councils that had passed a resolution. He stated he had also testified before the House Finance Committee. He stated Finance Committee Chairman Constantino had indicated he had not heard from any other Councils, Managers or Administrators on this subject, so Mr. DiLibero stated he again provided another copy of the resolution indicating it had been passed 5-0 in favor and added that this room and the outside rooms had been filled with firemen and policemen and their union representatives; he reported he had attended the annual Trust dinner, prior to attending the Omnibus Meeting, which had a presentation by Representative Williamson on the subject of the Station Club Fire and by the Lincoln Superintendent of Schools speaking about the accident where a substitute teacher had driven into a school building.

Councilor Thompson asked if Superintendent Ricci had spoken to the Manager about the stimulus package as he had indicated he would during the Omnibus Meeting. Mr. DiLibero responded he had spoken with him. He stated it was his thought that in looking at how the money would be distributed to the State, the top half would be skimmed off with the remainder to go to the communities and if we received any stimulus money, it would not be a lot of money. He stated since the Town had no money budgeted for road repairs and there were Town roads in need of repaving he had submitted those as part of the request. He stated he felt they would have a better chance as regional school district to submit their documentation in their own request rather than with the Town, so he opted not to include their information in the package, as it seemed it would have been pretty bulky coming from Hopkinton and they were planning to submit separately.

Councilor Kenney questioned the salt and sand account. Mr. DiLibero responded there had been one medium to small size storm since the last Council Meeting. He

had not received the numbers from that storm from Mr. Reese. He reported that \$23,000.00 had been pulled from other accounts within the Public Works budget. Councilor Kenney stated \$40,000.00 had been budgeted for the road bond debt service, but the bond had failed. She questioned if those funds could be accessed. Mr. DiLibero stated he had spoken with the Solicitor about this and the money could not just be moved over. He noted one option was to overspend a department of public works line item and that would be offset by other line items in the budget so the budget would balance at the end of the year, which was another way of addressing that \$40,000.00 in the current budget.

Mr. DiLibero stated he was preparing a memorandum regarding the rationale behind the proposed budget. Council President Buck questioned the impact of this year's shortfall in State Aid, how much had to be made up and could that \$40,000.00 be used. Mr. DiLibero noted the Town had received some casino revenue granted after the budget approval that would not be going to the schools that could be used to offset the shortfall leaving an approximate \$125,000.00 deficit. He stated there would be roughly \$50,000.00 from the public works budget, maybe \$10-\$15,000.00 in the police budget, and other departments were reviewing their budgets, leaving \$60,000.00 to account for. He stated a number of police officers had gone to the retirement board so that he may know by March if the department would be losing anyone. He stated he did not feel much will come out of the supplemental budget from the legislature. Representative Constantino said he felt the towns were asking the legislature to make tough the decisions, so that the Towns did not have to make the decision. Dan Beardsley had countered that a lot of the problems the Towns had involved arbitration the Towns had lost, so they were asking the legislature for assistance to correct some of those decisions. Councilor Felkner asked if other Towns had sent letters of support. Mr. DiLibero responded he was aware that Narragansett and Jamestown had not and he was not hearing that many others had passed resolutions. Councilor Felkner questioned if there were any particular objections he was aware of. Mr. DiLibero noted in Narragansett, the union heads from various unions were present before the Council and Jamestown was not willing to pass a resolution. Councilor

Felkner commented that the Towns were asking for tools but the Councils were not supporting them. Mr. DiLibero clarified that the Town Administrators were asking for help and that they had met with Gary Sasse and Peder Schafer from the State. He stated it was the administrators position that they managed their budgets every year but difficulty was with school budgets, the Caruolo Act, the tax implications of tax law 3050, and with the pensions and minimum manning. He went on to use an example having 35 firemen assigned as minimum manning for a shift in one rural community. Councilor Capalbo commented that they were unfunded mandates.

**OLD BUSINESS**

**TOWN BILLS**

There was one addition from GIS/IT for \$726.00 from CDW-G for the sonic wall antivirus renewal. A motion was made and seconded to approve the bill list which led to discussion: Councilor Felkner asked if the question involving the Roger Williams University invoice found on page five had been resolved. Solicitor Buckley stated the Town was legally obligated to pay the tuition bill as it was in State Law. Councilor Capalbo noted it was not in the police contract. Council President Buck questioned the Gingers Service Station Animal Control Fuel found on page three, why she was not using the Towns fuel depot. Mr. DiLibero stated that it was for delivery of fuel oil for heating purposes at this facility. She did use the fuel depot for her vehicle.

Discussion ended and the Council proceeded to vote as follows:

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 A VOUCHER SUBMITTED BY THE GIS/IT DIRECTOR TO CDW-G IN THE AMOUNT OF \$726.00 AND NO DELETIONS.

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

OPPOSED: None

SO VOTED

**WORKSHOP RE: GROUNDWATER & WELLHEAD PROTECTION ORDINANCE**

The Council set February 24, 2009 as a date for a workshop regarding the groundwater and wellhead protection ordinance beginning at 6:30 PM. Council President Buck noted there was an advertising problem with this matter. The Council proceeded to review dates for a workshop. Patricia Fontes of Lawton Foster Road questioned why the change from a hearing to a workshop. Council President Buck responded there were a few other concerns that needed to be discussed. Ms. Fontes wanted to know what the reasons were. Councilor Thompson stated the Solicitor brought up some concerns that need to be discussed during a workshop. Ms. Fontes questioned if anyone would be profiting at Exit 1 by the delay. The Council responded no.

## **NEW BUSINESS**

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

#### **Police Commission resignation**

The Town Council received a resignation from Frank Murnin from the Police Commission.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO ACCEPT THE RESIGNATION OF FRANK MURNIN FROM THE POLICE COMMISSION, WITH REGRET.

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

OPPOSED: None

#### **SO VOTED**

The Clerk will send a letter of appreciation to Mr. Murnin.

### **BUDGET STATUS:**

#### **Schedule budget workshops**

The Council set February 23, February 24 and March 5, 2009 as dates for budget workshops beginning at 6:30 PM. The February 24<sup>th</sup> workshop will begin with the Groundwater & Wellhead Protection Ordinance with budget discussions with smaller departments to follow. Council President Buck requested the Town Manager provide a list of the departments scheduled for workshops on these dates for the next Town Council Meeting.

### **CORRESPONDENCE**

Mr. DiLibero distributed a proposal received from Cox Business Services with a phone service proposal that would save money for the Town vs. what was charged by Verizon. He noted the Town had just finished an eight year contract with Verizon and that he had left two messages with Verizon, but his calls had not been returned. He stated Cox Business Services was willing to enter into a contract for three years and the Town would benefit and see a savings from their rates.

**PUBLIC FORUM**

Scott Bill Hirst of Maple Court noted that it was Groundhog Day and referred to the resident woodchuck at Town Hall “Chuck Wood”, who had been embroiled in controversy in the past; he stated he had shared the vacancy information with the press on the Towns Boards and Commissions and that he may consider applying for a position. He felt the Council should consider focusing their attention on a couple of the important boards, put the word out to the political party chairpersons and consider a discussion on a future agenda on chronic vacancies as well as the Charter provision prohibiting an individual from serving on two boards.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk