

State of Rhode Island

County of Washington

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

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

The meeting opened at 7:10 P.M. with a moment of silent meditation and a salute to the Flag. Council President Buck noted his Grandfather always said to be thankful for problems as they made life interesting. He reported the Historic Meeting House could not be used for Town meetings because of ADA issues and thanked the Ashaway Fire District for allowing the Council to hold the meeting in their newly renovated building.

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, Felkner

OPPOSED: None

SO VOTED

COMMERCIAL HAULERS LICENSE RENEWALS

The Council opened a hearing on renewal of the following Commercial Haulers

Licenses:

A.D.S. Rubbish Removal, Donald Hindle, Sr., 5223A Old Post Road, PO Box 283, Charlestown, RI.

Allied Waste Industries, John Porter, 1080 Airport Road, Fall River, MA.

Budget Waste Disposal, Dominic DiFazio, 224 Post Road, Ste. 224, Westerly, RI.

Cory's Rubbish Removal, Vincent Beaulieu, 3 Falco Cricle, Westerly, RI.

EZ Waste Systems, Inc., Christopher Beck, 7 Edgewood Avenue., Westerly, RI.

Ed Palmer Disposal, 878 King's Factory Road, Wood River Jct., RI.

Mike Micklich, 293 Spring Street, Rockville, RI 02873.

On-Time Disposal, Troy Larkin, 203 Ashaway Road, Bradford, RI.

Patriot Disposal Co., Inc., 2208 Plainfield Pike, Johnston, RI.

RPKK, INC. d/b/a RPE Waste Services, Kyle Roode, 9 King's Factory Road, PO Box 126, Wood River Jct., RI.

Sanitation by Quint Perry, Quintana Perry, 7 Sweet Corn Lane, Westerly, RI.

S. Tinnerello & Son, Inc., Joseph Tinnerello, 29 Jefferson Avenue, PO Box 22, New London, CT.

Sam Piccolo & Sons, Inc., Sam Piccolo, Jr., 7 Boombridge Road, Westerly, RI.

Waste Management, William J. Kennedy, 1610 Pontiac Avenue, Cranston, RI.

Applications and filing fees had been received for all but one hauler, On-Time Disposal. Notice had been posted in the Westerly Sun.

A MOTION WAS MADE BY COUNCILOR FELKNER AND SECONDED BY COUNCILOR KENNEY TO CONTINUE THE HEARING REGARDING THE ON-TIME DISPOSAL COMMERCIAL HAULERS LICENSE RENEWAL TO THE FEBRUARY 2, 2009 TOWN COUNCIL MEETING.

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

OPPOSED: None

SO VOTED

Councilor Capalbo commented that some of the applications had not provided the state of origin for the driver's licenses and registrations. Town Clerk Elizabeth Cook-Martin indicated next year her office could revise the letters to the haulers informing them to include the information on the application and revise applications as necessary to include a section for the insertion of the State of issuance or origin for both items.

Councilor Thompson requested a final list of the licensed commercial haulers be provided to the Chief of Police. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO APPROVE THE RENEWAL OF THE FOLLOWING COMMERCIAL HAULERS LICENSES: A.D.S. RUBBISH

REMOVAL, ALLIED WASTE INDUSTRIES, BUDGET WASTE DISPOSAL, CORY'S RUBBISH REMOVAL, EZ WASTE SYSTEMS, INC., ED PALMER DISPOSAL, MIKE MICKLICH, PATRIOT DISPOSAL CO., INC., RPKK, INC. D/B/A R.P.E. WASTE SERVICES, SANITATION BY QUINT PERRY, S. TINNERELLO & SON, INC., SAM PICCOLO & SONS, INC. AND WASTE MANAGEMENT.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

RESOLUTION RE: GOVERNOR'S FY 2009 SUPPLEMENTAL BUDGET

A draft resolution in support of Governor Carcieri's FY 2009 Supplemental Budget H-5019 had been provided to the Council for consideration. Mr. DiLibero referred to the email information he had distributed from RI League of Cities and Towns Director Daniel Beardsley in regards to the budget articles in the Governor's proposed supplemental budget. He noted if the resolution was adopted, it would be forwarded on to the Town's legislative representatives, the heads of the legislative finance committees and present it to the Governor's Office. He stated he had included those articles that had a financial impact on the Town: Article 21- Incentives for school departments to work with Town Councils to develop affordable budgets; Article 41 – An initiative for smaller communities to share municipal services to reduce costs; Article 42 – A capping arbitration awards relating to firefighters and municipal police due to the tax levy; Article 43 – Elimination of the minimum manning provision in collective bargaining agreements; Article 45 – Municipal retirement; Article 47 – Pre-judgment interest; Article 40 – Last best offer arbitration; and Article 44 - Municipal health insurance cost sharing.

Councilor Thompson requested additions to the resolution: Article 18 – School bus monitors, suspending the requirement for grades K-fifth; Article 20 – Statewide purchasing system for supplies, services, transportation, food services, health and dental insurance; Article 23 - School nurses, repealing the law requiring school nurses to be certified as teachers; Article 24 -Dismissal of teachers, allows a school committee to dismiss any school teacher any time of the year for justifiable reasons; Article 25 - Teachers tenure, changes the date for layoff notices to school teachers from March 1 to June 1 and allows for layoffs as a result of personnel budget reductions; and Article 26 – Collective bargaining fiscal impact statements, requires Towns, Cites and School Committees to post their proposed collective bargaining agreements and fiscal impact statements on their website 30 days prior to ratification. Councilor Capalbo expressed her agreement to these additions. In regards to Article 23, she noted she had relatives in the nursing profession and felt because of their profession they were teachers, it was part of their job as a nurse. Councilor Kenney stated she was not in favor including Article 23 as some nurse-teachers were teaching health class in some of the school districts. She stated she had a problem with including Article 40 and asked for some feedback on the discussions held relating to this article as she had concerns that an arbitration award given by an arbitration panel may not be in the town’s best interests. Mr. DiLibero reported labor attorney Daniel Kinder, Esq. spoke with the League’s Executive Board and he had not favored this article either because of certain situations, but Mr. DiLibero had included it as it had been one of the initiatives coming from the League of Cities and Towns. It would not be good if it were the only article approved. Councilor Felkner agreed with all of the additions and referred to what was happening in East Providence presently, that they would have to abide by an arbiter’s decision. The Council was in agreement to remove Article 40 from the resolution. Councilor Felkner commented that many of the articles the Manager had included in the resolution were not focused on school issues. Mr. DiLibero stated he had included in the draft resolution those articles that had been the focus and supported by the League of Cities and Towns.

Councilor Thompson questioned whether the Council wanted to include Article 46 – Police and firefighters injured on duty, which would reduce the level of compensation cities and towns pay to injured or ill police officers and firefighters during the time they were incapacitated from 100% to 80% of their pay. Mr. DiLibero stated that it would benefit the Town to include it. Councilor Felkner addressed Article 23, he felt that by the act of teaching in a classroom and the person was a nurse, the school nurse should be certified. Councilor Capalbo felt nurses did teach as they advised patients of their options. Councilor Felkner felt Article 23 would remove the requirement, but felt if they were teaching a course it would require a certification. Mr. DiLibero stated he thought it also required a master's degree to be a nurse.

The Council reviewed those articles for inclusion: Articles 21, 41, 42, 43, 44, 45, 47; Add articles 18, 20, 23, 24, 25 26 and 46; Remove Article 40. All agreed.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR FELKNER TO ADOPT THE RESOLUTION SUPPORTING THE FY 2009 SUPPLEMENTAL BUDGET INCLUDING ARTICLE 21, ARTICLE 41, ARTICLE 42, ARTICLE 43, ARTICLE 44, ARTICLE 45, ARTICLE 47; THE ADDITION OF ARTICLE 18, ARTICLE 20, ARTICLE 23, ARTICLE 24, ARTICLE 25, ARTICLE 26, ARTICLE 46; AND THE REMOVAL OF ARTICLE 40.

IN FAVOR: Buck, Thompson, Capalbo, Felkner

OPPOSED: Kenney

SO VOTED

The text of the resolution is as follows:

**Hopkinton Town Council
Resolution
Supporting the FY2009 Supplemental Budget**

WHEREAS, at the regular meeting of the Hopkinton Town Council held on January 20, 2009, at 7:00 p.m. at the Ashaway Fire Station in Hopkinton Rhode Island, at which time a quorum of the Town Council was present and acting throughout, the Town Council discussed various Budget Articles intended to protect the public treasury and result in improved municipal collective bargaining agreements; and

WHEREAS, the Hopkinton Town Council finds that cities and towns are being faced with ever increasing demands upon their finances and that Governor Donald Carcieri has put forth a number of Budget Articles with the intention of reducing the cost of local government;

WHEREAS, the Hopkinton Town Council finds that management tools are needed to help reduce the cost of local government;

WHEREAS, the Hopkinton Town Council finds that the current state of the law in Rhode Island imposes unfair burdens upon municipal government, its public officials and employees, and the taxpayers of Rhode Island’s cities and towns due to a statutory scheme that imposes unreasonable liability upon the cities and towns of Rhode Island; and

WHEREAS, Governor Carcieri introduced legislation (H 5019), that would impact municipalities in the following manner:

1. **Article 18. School Bus Monitors; This Article will help to reduce the Chariho regional school budget and is appropriate for rural Hopkinton.**
2. **Article 20. Statewide Purchase System; Hopkinton has benefited from the statewide purchasing system. Further expansion of this program will be beneficial to the Town.**
3. **Article 21. School Budget Resolution; This Article will provide incentive to School Departments to work with Town Councils to develop affordable budgets.**
4. **Article 23 –26; School related Articles; These Articles will improve the management and operations of the Chariho regional school system.**
5. **Article 41. School and Municipal Realignment Commission; This is an important initiative for smaller communities like Hopkinton. Shared municipal services are a mechanism to reduce program costs that are difficult for smaller municipalities to carry.**
6. **Article 42. Firefighters and Municipal Police Arbitration; The allowance of three (3) year arbitration awards and limitation of awards due to the tax levy cap will place municipalities in a much stronger position in collective bargaining.**
7. **Article 43. Firefighters and Municipal Police Manning; The elimination of minimum manning provisions is an important step to reining in the Hopkinton Police Collective Bargaining agreement.**
8. **Article 44. Municipal Health Insurance Cost Sharing; A State required cost-share eliminates a critical negotiating point in collective bargaining and provides a great financial benefit to the Town of Hopkinton.**
9. **Article 45. Municipal Retirement; This Article will provide a number of benefits to the Town of Hopkinton.**
10. **Article 46. Police and Firefighters Injured on Duty; This article will provide financial and managerial benefits to the Town.**
11. **Article 47. Pre-Judgment Interest; This Article has a number of provisions that will benefit Hopkinton. Presently, the Town Manager, Police Chief and four police officers are now facing personal suits which has greatly increased the cost of legal representation to the Town.**

NOW, THEREFORE, BE IT RESOLVED that we, the Hopkinton Town Council respectfully request that the General Assembly support these Articles within House Bill H-5019.

BE IT FURTHER RESOLVED that the Hopkinton Town Clerk is hereby instructed to submit a copy of this resolution to the Town of Hopkinton State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support of H-5019.

CONSENT AGENDA

The Executive Session Minutes of January 5, 2009, Town Council Minutes of January 5, 2009 and the GIS/IT Director quarterly report were removed from the Consent Agenda.

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

FOLLOWS: Approve the Executive Session Minutes of December 15, 2009;

Accept the following reports: Animal Control Official, Town Clerk, Tax Collector – which includes adjustments and collections to date.

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

OPPOSED: None

SO VOTED

The executive session minutes of January 5, 2009 had been removed from the consent agenda for modification requested by Councilor Capalbo and will be placed on the February 2, 2009 for approval.

Councilor Capalbo asked for amendments to the January 5, 2009 Town Council Minutes: Page five, delete which Councilor asked for amendments to the previous minutes found in paragraph four; page seven, capitalize COBRA; and on page ten, regarding an addition to the bill list for a Roger Williams University invoice. She stated she had questioned the addition at the time and did not feel the answer she was given was correct. She did not think it should have been added to the bill list because there was no education funding in their contract. She felt the matter needed clarification, as it would be coming up again. These minutes would be held until February 2, 2009.

Councilor Capalbo questioned the GIS/IT Director quarterly report in regards to the collaboration with an intern, as there was no funding in the budget for an intern in the GIS/IT budget. Mr. DiLibero explained that Emergency Management Agency Grant funds had been used and the GIS/IT Director's time had been included in the report filed by EMA Director Michael Oceau.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO ACCEPT THE GIS/IT DIRECTOR QUARTERLY REPORT.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Patricia Fontes of Lawton Foster Road questioned to whom this resolution was being sent, as it did not represent her position regarding the Governor's supplemental budget and she would be sending a letter to the same individuals. Mr. DiLibero responded it would be forwarded to Representative Kennedy, Senator Algieri, Senator Maher, Speaker of the House Murphy, Finance Chair Constantino, etc. Ms. Fontes noted that Governor Carcieri supported budget cuts to certain departments and programs affecting children, old people and the poor and yet there were three hundred wealthy families in Rhode Island who were able to pay less in taxes to which she voiced her strong objection.

Ms. Fontes also addressed her comments made during public forum on January 5, 2009, about who had made the statement that the water from Exit 1 would be piped into all of Ashaway and noted the Town Council and Planning Board was innocent in this. She reported the comment came from Mr. Chessley's lawyer. She questioned what was going on because it appeared that plans about our Town were being made by others and questioned how they could get together and dispose of our Town. Council President Buck noted that people were free to make statements that he could not control. He added that when she had brought this matter up, the Council had no knowledge about what she had heard. He assured her that nothing would be done without a decision of the Town Council. Ms. Fontes stated it was the attitude of possession some had, that angered her and felt the Town was in danger, as individuals were making plans affecting the Town.

TOWN SOLICITOR REPORT

Town Solicitor Buckley provided a summary of the past years legal work provided to the Town. She reported that roughly 100 hours per month was spent on Town-related work. Of that, twenty-eight percent of time was spent on police prosecutions handled by Solicitor Romano and Solicitor Levesque who alternately reported to district court each Thursday prosecuting misdemeanors; thirteen percent of time was spent on planning issues; six percent of time was spent on zoning issues; forty-five percent of her time was related to the general category that included Town Council and day-to-day issues; three percent of time was

spent on the Clarks Falls work; one percent of time was spent on the Pezzullo appeal. She noted that Solicitor John McCoy also spent a percentage of time spent on tax collection issues and land trust matters.

Solicitor Buckley distributed copies of a 2009 budget plan time line with critical dates for budget development which would involve moving up budget workshops into February and early March. The Town Manager would have the budget to the Council on January 30th. The budget had to be transmitted to the Town Clerk and Finance Director before the end of March. She stated all would be living with this budget plan time line. She suggested placing a budget status item on upcoming agendas to track its progress and if there were questions or concerns to let her know. The Council indicated they could live with the time line. Council President Buck will be able to revise the agenda to include an item on the budget.

COUNCIL PRESIDENT REPORT

Town Council President Thomas Buck reported the February 2, 2009 agenda would include the scheduling of budget workshops; that he had been monitoring the progress of the Town Hall mold remediation and repair with frequent visits in an effort to keep it within the estimated time frame for completion; reported he had spent over seven hours dealing with the police contract; had attended one Chariho budget workshop, with another set for January 29, 2009 and encouraged the public to be involved with both the Chariho and Town budget process. He reported he had attended the first Tri Town Council Meeting held in Charlestown that would deal with issues relating to the three Towns so all could work together to save the three Towns money.

TOWN MANAGER REPORT

Town Manager William DiLibero reported he had handled a grievance filed by the dispatchers; had attended the meeting regarding the police contract; had prepared a salary spreadsheet for the professional staff using data of Towns similar in size to Hopkinton as well as overall statistical data; that his recommendations for changes to the Professional and Technical and Clerical contracts were pending; reported he and Finance Director Laura Kenyon had been working on the development of the proposed budget and because there were three

contracts being negotiated, they would be using the salary data from the past year in order to have a starting point and the latest health care numbers would not be included in the budget by the time the Council received it. He stated former Finance Director Jim Lathrop had placed some assumptions into a draft budget about where he thought salaries would be, some were true and some were not accurate. He stated information from the department heads on their budgets were being incorporated into budget which would be finalized a week from Monday.

He reported he had the building official and contractor go through expenditures for the Town Hall mold remediation/repair including the add-ons and the final figure could be as high as \$20,000.00 over what was available in the mold remediation budget. He stated the capital account for buildings had over \$100,000.00 that could be accessed to pick up the cost of the balance of the work. He stated he had asked the Public Works Director and Building-Zoning Official to have oversight on all materials being purchased in order to scout out the lowest prices and to get the numbers down. He reported he had attended a meeting of the RI League of Cities and Towns executive board where the Governors supplemental budget had been discussed and that he had been least happy about the budget article about all Towns going into a State Health Insurance Plan. He stated it would be more expensive than the Town's plan which was less expensive because we were in a collaborative group with Cities, Towns and Schools and we were contributing money to it to self insure and it would be very complex to sort that out if the Town was required to join the State Plan. Councilor Felkner stated he thought it was optional, that the Town could join as a member if it saved the Town money. Mr. DiLibero responded no, after three years membership the Town would be required to join. In regards to the Town Hall, Councilor Felkner questioned what the biggest impact had been to the budget. Council President Buck responded the fire suppression system quote of \$8,500.00. He stated there was no way for the fire marshal to estimate in advance what the cost would be for the panel until the room dimensions were known. Mr. DiLibero explained a bigger panel was required and additional smoke detectors were needed in other areas. He stated every time something had changed, the initial specifications had

to be tweaked, but he felt the end product was pretty good for the dollars that had been spent. Councilor Thompson commented on the snowy, icy winter that we all had been experiencing so that everyone needed to temper expectations as to when the building would be finished. She stated you could not expect that a person who had been plowing all night could be pulled back in to work on the building the following morning. It has been a rougher winter than usual. Council President Buck stated he did not think the public works employees were needed at this point for the mudding, but would be needed for the painting. Councilor Capalbo cautioned that the job should not be rushed, because the work being done at the end would be visible for many years. She recommended taking the time to do it correctly.

Mr. DiLibero stated he had provided some information from Michelle Spiro that he and the GIS/IT Director had met during the cyber-terrorism workshops and she was the Richmond and New Shoreham IT consultant. She had provided recommendations on how to best use and protect the Town's IT investments; he reported on the receipt of notices from the Economic Development Commission (EDC), RI Department of Environmental Management and Statewide Planning about submitting ready-to-build projects in anticipation of the receipt of Federal economic stimulus funds. Unfortunately the Town did not have a project ready to go within the time constraint provided. He stated a water system had been discussed at Exit 1 which was engineer ready and had a water system operator, in order to provide water for the Exit 1 businesses on Main Street, Wellstown Road and Gray Lane in about a year. He reported he had suggested they meet with the EDC to pursue it with the State and noted the Town did not want to get involved in running of or financing of a water system. Council President Buck stated the Town has a hands-off approach on this. Mr. DiLibero stated from an economic development perspective the Exit would be more viable if it could offer water and sewer and would help get the businesses up and running which brought tax revenue to the Town and would bring good industry to the Town in the Exit 1 area. Councilor Capalbo questioned if he was talking about using public money to invest in private enterprise, with the private enterprise to pay back the public

funds. Mr. DiLibero stated he had suggested they talk to the State agencies that were looking for projects to see if they could benefit, but the Town would not be involved in any aspect of it. Councilor Felkner questioned if this had been discussed with the companies prior. Mr. DiLibero stated the companies were aware when they came in that they had to do something about water and sewer. The businesses were all talking together about doing their own water system.

OLD BUSINESS

TOWN BILLS

Council President Buck noted there were four additions: \$509.55 and \$5,580.35 to Gingers Oil, \$53.96 to National Grid and \$878.22 to RI Council 94 for union dues, which is a pass through. Mr. DiLibero pointed out that the \$50.00 invoice for the Maine Local Roads Center questioned during the last Council Meeting was for road software. Councilor Capalbo pulled the Roger Williams University invoice on page five. She stated it was not in the police budget and should be removed. Councilor Felkner questioned the cell phone reimbursement on page four. Mr. DiLibero stated some employees had their own personal cell phones that they used for work and instead of the Town purchasing cell phones for their employees they instead were given an annual stipend. Council President Buck stated that it was capped at \$420.00. He added that he had questioned a bill on page one to Carroll Kelly & Murphy, a copy bill for \$246.91, which was for the copying of a personnel file with over 1,000 copies.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH THE ADDITION OF VOUCHERS SUBMITTED BY THE FINANCE DEPARTMENT \$509.55 AND \$5,580.35 TO GINGERS OIL, \$53.96 TO NATIONAL GRID AND \$878.22 TO RI COUNCIL 94 AND THE DELETION OF THE ROGER WILLIAMS UNIVERSITY INVOICE IN THE AMOUNT OF \$2,535.35.

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

OPPOSED: None

SO VOTED

WASTE WATER MANAGEMENT PLAN

This matter had been scheduled for discussion and approval to continue with the preparation of the On-Site Wastewater Management Plan. Town Planner James Lamphere and Community Development Block Grant Coordinator Geoffrey Marchant were present. Mr. Lamphere reported the draft On-Site Wastewater Management Plan for the Towns of Hopkinton Exeter and Richmond, prepared by Stone Environmental had been forwarded to the State for review and that comments had been received back from the RI Department of Environmental Management (RIDEM). He added that a request for qualifications for a consultant to complete the task of resubmitting the plan had been advertised and the lone respondent had been Fuss & O'Neil. Mr. Lamphere referenced the RIDEM comment regarding Element C – “Method to ensure or encourage regular Individual Septic Disposal Systems (ISDS) maintenance in the management area”, that the draft plan had not met the criteria. He stated he supported resubmitting the plan with the educational component but sought the Council's input on whether the Council was willing to go beyond the educational component. In relation to Element C, Councilor Capalbo questioned if the Town was being encouraged to educate its citizens regarding management of septic systems. Mr. Lamphere responded he suspected the RIDEM wanted the Town to take a stronger position. Mr. DiLibero stated the RIDEM would like the town to have an administrative role in monitoring and tracking septic systems. Mr. Lamphere stated the main benefit was that it would allow homeowners access to low interest loans at 2%. Councilor Capalbo felt some homeowner would need the loan and others would not and was aware of the benefit involved in a plan, but would like to see a plan that would not break the citizens back. Mr. Lamphere noted other Towns had been allowed to utilize educational materials but the RIDEM was vague as to what they required, so he was not certain of what they wanted in the plan. Councilor Kenney stated the educational brochure was what the Town had agreed upon previously. She stated she would not want to create another department or have to hire staff to monitor septic systems. She stated she supported finishing the plan with the inclusion of the educational component. Councilor Thompson stated it had been rumored that the RIDEM wanted to get

out of the business of monitoring and inspecting septic systems for some time. She felt the promise of funding for 2% loans was a carrot to make it attractive and she did not believe they would provide the money to the Town. She referenced Section 4.2.4. Jamestown, and their strict regulatory requirements and felt if the Town was required to take it over someday, then the Public Works and GIS/IT Departments would have to be involved. Councilor Felkner stated a septic inspection was necessary upon transfer of property ownership and was agreement that he did not want to created additional bureaucracy for the Town. He supported inclusion of the educational component. Councilor Capalbo felt Councilor Thompson's position regarding the 2% loan were correct. She felt the RIDEM would offer funding and quite possibly take it away, affecting the people who could not afford it and needed a loan the most, because septic replacement was very expensive, may not be able to afford a 2% loan either. The Planner will inform the consultant to include the educational component in the draft On Site Wastewater Management Plan.

NEW BUSINESS

INTERVIEWS – APPOINTMENTS - RESIGNATIONS

Tree Warden resignation

The Town Council received a letter of resignation from Craig Hotchkiss as Tree Warden. Councilor Capalbo stated Mr. Hotchkiss had done a great job educating students when the oak trees had been planted in Town.

Conservation Commission resignation

The Town Council received a letter of resignation from Craig Hotchkiss as a member of the Conservation Commission.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO ACCEPT THE RESIGNATION OF CRAIG HOTCHKISS AS TREE WARDEN AND FROM THE CONSERVATION COMMISSION WITH REGRET.

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

OPPOSED: None

SO VOTED

The Town Clerk will send Mr. Hotchkiss a letter of appreciation. The Town Council authorized the Town Clerk to advertise the Tree Warden position and vacancies on all boards and commissions.

DISCUSSION RE: TOWN MANAGER’S HANDLING OF PERSONNEL CONTRACTS

Councilor Capalbo noted this matter had come up the last couple weeks and was related to contract parameters in regards to the process for which the part time finance director had been hired. She referred to the Town Charter and the Town Council-Town Manager form of government and the parameters. She felt in the current severe economic downturn that discussions on the hiring of employees should be done in open and within the confines of the budget. She referenced Town Charter Section 3170 (I), the Town Council determines the compensation of Town employees. She stated the full time salary for the former finance director had been set by the Council at \$56,650. Section 4020 (k) of the Town Charter stated that the Town Manager handled all matters of personnel, on the basis of merit so that fairness and impartiality governing the individuals decisions, pertaining to appointments, pay adjustments, promotions and discipline and 4040 (e) required the Town manager to recognize their responsibility to submit policy proposals to the elected officials and provide them with facts and advice on matters of policy as a basis for making decisions which would include a standard pay schedule. She noted that after the full time finance director resigned, a part time director was hired for 3/5ths of the work for \$33,990 which is 33% higher than the salary set by the Council and making her the highest paid official after the Manager. She felt the Manager had overstepped his bounds and placed the Council in a difficult position. She felt the budget, salary and benefit package should have been discussed by the Council in open session to allow the Council to determine. She noted the contract had been signed and as long as it does not cause the Town to over expend it would not be null and void as per the Charter but if it resulted in an over-expenditure, it will be null and void. She felt changing the ramifications of the position from full time to part time and a change in salary range should be discussed in open session. She stated she felt Mr. DiLibero does a good job, he is efficient and the employees were happy with him.

Councilor Felkner stated he had received a number of phone calls in support of Mr. DiLiberio. He stated he was disappointed that it had been projected that he had approved the salary. He stated he had not known there was a cap on the salary and felt there had been a breach in the process. Councilor Capalbo stated the Manager knew it had to be discussed and he did discuss it, but she felt it should have been done in open session. She did not agree with pay raise. She stated the Manager hired very good people and she did not want to involve herself in the selection of hires. She stated over expenditures were approved at end of the fiscal year and that it would have to be looked at very carefully.

Councilor Thompson stated Councilor Capalbo's arguments were compelling. She stated in the future, these matters had to be handled differently. She stated the Managers ability to find right person for job has been very good, but the amount of money was troubling though she was aware that she was not taking the health insurance. In the future if there was a difference in budgeted amount, a special meeting should be called and it should be thoroughly discussed.

Councilor Kenney stated she had no problem with how this matter had been handled. She stated the Manager had contacted her and had provided her with the information and the figures. She stated she had worked the numbers which would result in a saving of \$3,000.00 this year and \$15,000.00 to \$20,000.00 next year, and because numbers were close she called him back and gave him her decision. She stated he had followed the process that had been established and were in place, as had been his practice.

Council President Buck stated he had been taken back by the amount. He referred to Town Charter Section 4040 (E) that states the Manager is to recommend to the Council a standard pay schedule for each appointive office and position in the Towns service, including minimum, intermediate and maximum rates. He noted maximum rates were set in the budget so the Manager would have to come up with a recommendation on a minimum amount and the difference would be what the Manager could work with. He stated if the salary exceeded the maximum rate,

that person could not be hired. He reported he had a number of people call him and speak on Mr. DiLiberio's behalf. He stated the Town Charter provides that the Manager negotiate contracts on behalf of the town, so he it was well within his jurisdiction to have done so, it was just the amount that he had a problem with. He stated in the future if Mr. DiLiberio wanted the Council's approval that he should provide them with a hard copy of the details instead of a telephone conversation, so it can be reviewed. Councilor Capalbo stated there was an automatic 2% raise in July built into the contract. She again stated that the part time finance director position only works if no one takes the health care and if the clerk hired works one day not two days because then the budget would go up. Councilor Thompson stated her concern with a part position is whether they could get the job done. She stated if the work gets done on a part time basis, fine, but she did not feel there was a lot of wiggle room knowing how busy the office was. She noted that there had been conversations last year when they trying to provide the finance director with more money for his salary which would result in conflicting information and mixed signals. Councilor Capalbo felt a 3/5 finance director was a really big change. She stated if a clerk's hours were pushed to 24 hours they were entitled to health care and expressed concern about the accrual of overtime. Agnes Hall from the Finance Office stated the health insurance benefit would kick in at 35 hours and there was no overtime in the budget for a clerk or a finance director. Council President Buck felt the discussion had been pertinent to how the Manager handled matters of this nature in the future. Councilor Felkner noted that it was not the money, but he would have preferred to see the information in writing as he had not been aware at the time that he was giving his approval.

DISCUSSION RE: CHARIHO SCHOOL DISTRICT TRANSPORTATION POLICY

This matter had been scheduled for a discussion and to consider a motion to request amendments to the Chariho School District Transportation Policy.

Councilor Thompson stated she had sent a letter to the school district regarding the transportation policy and had received a response in return. The first change she wanted to discuss would be that any complaint, claim or appeal of an unsafe bus stop or unsafe transportation situation that is brought to the attention of the superintendent will be immediately transferred to the police department that has

jurisdiction so they may investigate and issue a determination on the merits of the claim or complaint. She stated she suggested this language because of the very lengthy appeal process required in the policy. She reported the letter from Superintendent Ricci indicated that it was standard practice to immediately consult with the local police departments when there is an issue involving safety, but that was not what the transportation policy says. The policy says it goes to an individual, then committee to committee. She felt it should be added to the policy.

Councilor Thompson stated another concern was with buses turning around at intersections and reported on January 6, 2009 her daughter saw a bus turning around at Main Street and Lawton Foster Road, an intersection that in 1997 was deemed to be an unsafe intersection. The police department again investigated the matter and found that a bus had been using the intersection as a turnaround and the incident was written up and a report filed. She felt if there were intersections where buses turned around, that the school district should send not only the list of the bus routes and stops to the police department but also send a list of the intersections used as turnarounds, if there was one. She stated she did not know if it was even legal to turn around at an intersection.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO THAT THE HOPKINTON TOWN COUNCIL REQUESTS THE CHARIHO SCHOOL COMMITTEE TO CONSIDER TWO AMENDMENTS TO THE TRANSPORTATION POLICY: THAT DECISIONS OF THE BUS COMPANY ON ANY MATTER COVERED IN THIS POLICY CONCERNING AN UNSAFE BUS STOP OR UNSAFE TRANSPORTATION SITUATION MAY BE APPEALED TO THE SUPERINTENDENT OF SCHOOLS. UPON RECEIVING THIS APPEAL, THE SUPERINTENDENT WILL IMMEDIATELY FORWARD IT TO THE POLICE DEPARTMENT THAT HAS JURISDICTION FOR AN INVESTIGATION AND A DETERMINATION ON THE MERITS OF THE APPEAL AND PRIOR TO THE START OF THE SCHOOL YEAR, THE POLICE DEPARTMENT OF

EACH TOWN SHALL RECEIVE A LIST OF EVERY INTERSECTION THE BUS COMPANY USES AS A TURN AROUND FOR THEIR REVIEW.

There was discussion on the motion: Councilor Kenney noted that most buses had to do some sort of turnaround in certain areas like at the end of Route 138 before crossing into Connecticut and questioned where would they do so. Councilor Thompson stated she was not saying it should not be done but questioned if it was legal. Solicitor Buckley suggested substituting the word location instead of intersection. Councilor Capalbo agreed with the changes and would like to know if the district would be using the Trinity Lutheran Church parking lot.

Councilor Capalbo stated she had been at a school committee meeting where a woman was having trouble getting information regarding a change to a bus stop and a great deal of time was spent on the matter. She suggested there should be a process that would allow an immediate appeal to the Superintendent. Councilor Thompson stated her point would be that immediately after an appeal was filed with the Superintendent of Schools it should also be sent to the police department so the information was distributed to them at the beginning of the process instead of at the end. Councilor Felkner stated he served on the transportation subcommittee. He explained the initial concern would go to Susan Rogers and if she disagreed with the parent, it was then forwarded to the Superintendent and committee after that. He suggested wording those changes in such a way that it would make it more palatable to the district. He felt the opinion from the police on the situation should be all that was required. Councilor Thompson stated she met with Chief Scuncio and Officer Patton regarding this matter. She stated the Superintendent's letter stated they always followed the advice of the local police department, but that was not what happened at school committee meeting if someone was making a claim that it was unsafe. She stated it gets forwarded on to their committee. Councilor Felkner suggested the police determination should be in writing vs. a phone call. Councilor Thompson noted the police department always places their findings in writing. Council President Buck recommended the Council to finalize their discussions and consider their motion.

A MOTION WAS MADE BY COUNCILOR FELKNER AND SECONDED BY COUNCILOR CAPALBO TO AMEND THE ORIGINAL MOTION AND PLACE AT THE END OF PARAGRAPH ONE, “IN WRITING”.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR FELKNER AND SECONDED BY COUNCILOR CAPALBO TO AMEND THE MOTION SUBSTITUTING LOCATION FOR INTERSECTION IN PARAGRAPH TWO.

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

OPPOSED: None

SO VOTED

The vote on the original motion as amended:

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

OPPOSED: None

SO VOTED

SALT AND SAND BUDGET

A memorandum had been received from Public Works Director Doug Reese in regards to the status of the \$45,000.00 Salt and Sand Budget, which had been expended. He stated Mr. Reese could not be present because of the recent back-to-back storms. Mr. DiLibero reported there was \$30,000.00 in funding available in the road repair capital account but at some point Mr. Reese would need an injection of \$90,000.00 to replenish the funds in the account that had been built up over multiple years and was now depleted. Mr. DiLibero stated the cost to handle a storm was approximately \$15,000.00 per event and added salt had doubled in price. Council President Buck questioned if he would be seeking a special financial town meeting and mentioned the Manager had the ability to move money around in that budget. Mr. DiLibero responded that there would be a need to supplement the account at some point. If there were two more storms the money would be spent. Councilor Kenney commented there was no cushion in public works budget any longer. She stated there was \$40,000.00 in road maintenance he could tap. Councilor Thompson did not want to go down the road

of a Special Financial Town Meeting, she felt he would have to live within his budget and make some tough decisions. She stated if a special FTM was to be called, the people would just say no anyway. Councilor Capalbo stated Mr. Reese had no choice but to spend what was budgeted on salt and sand because it was an issue of safety for Town residents. Council President Buck suggested Mr. Reese use up the funds in his budget first, as there were costs associated with holding a special financial town meeting, advertising, etc. He recommended the Town Manager use his authority to move around funds in the Public Works budget.

CORRESPONDENCE

Councilor Thompson read a letter from the Town employees, expressing support to the Town Manager:

“Honorable Town Council: The members of Local 3163, Professional & Technical and Clerical workers wish to advise the Hopkinton Town Council that a poll vote was taken in support of our Town Manager William DiLibero, and that it was a unanimous vote of Confidence and Support. We appreciate the efforts of Mr. DiLibero to bring every one together and his efforts to enable the Town to run smoothly again”.

Councilor Capalbo noted she had been present during the interviews for Mr. DiLibero and Mr. Hartford for the Westerly Town Manager position by the Westerly Town Council and that Mr. DiLibero he had done a great job.

PUBLIC FORUM

Councilor Thompson wished her mother Edwina a Happy 95th Birthday, as she did for her brother Ken and for Mary Botelle. She commented on the wonderful job the Hope Valley-Wyoming Fire District had done in responding to the fire at Canonchet Cliffs and recognized the involvement of the Richmond Senior Center who opened their facility during the fire.

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 (1) PERSONNEL – TOWN SOLICITOR & (2) EXISTING 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 RECONVENE IN OPEN SESSION AND SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: Felkner

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