

State of Rhode Island

County of Washington

In Hopkinton on the fifth day of January 2009 A.D. the said meeting was called to order by Town Council President Thomas Buck at 7:00 P.M. in the Historic Meeting House, 2 Town House Road, Hopkinton, 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.

An executive session had been held in the Town Hall, 1 Town House Road beginning at 6:30 PM. The votes relating to the executive session are as follows:

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO ENTER INTO EXECUTIVE SESSION UNDER RIGL 42-46-5A (2) COLLECTIVE BARGAINING; POLICE CONTRACT, (2) POTENTIAL LITIGATION & (2) EXISTING 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

Councilor Felkner indicated he voted in opposition as he was opposed to sealing the minutes of the executive session.

The regular meeting convened at 7:00 PM at the Historic Meeting House, 2 Town House Road 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, Felkner

OPPOSED: None

SO VOTED

**CAMPGROUND LICENSE RENEWALS**

The Council opened a hearing on the renewal of the following campground licenses:

Frontier Camper Park – Scott Thompson, 180A Maxson Hill Road, Ashaway, RI licensed for 225 Campsites and Safari Sites. Scott Thompson was present. Filing fees had been paid and notice posted. The list of campers had been submitted. An inspection by Building/Zoning Official had been conducted. There was no Fire Marshal inspection report.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO GRANT RENEWAL TO THE FRONTIER CAMPER PARK CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET, ALL TOWN TAXES CURRENT AND THE APPROVAL OF THE FIRE MARSHAL, PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

Greenwood Hill Campground Association – James Swett, President, 13 Newberry Lane, Hope Valley, RI licensed for 50 Campsites and Safari Sites. Terry Carlson was present. Filing fees had been paid and notice posted. An inspection by Building/Zoning Official had been conducted. There was no Fire Marshal inspection report. The Clerk reported the list of campers had been submitted. Councilor Capalbo questioned if approving them subject to all State and Town regulations covered the Fire Marshal. Town Clerk Elizabeth Cook-Martin responded the two fire departments appreciated and preferred that their inspections were acknowledged and handled individually. Councilor Felkner

questioned if this action would delay their opening as he would not want to hold them up. Council President Buck stated the campgrounds were presently not open and he thought their season was from April to October. Scott Thompson questioned if the operating months had been reduced. Councilor Kenney clarified that campgrounds could be open ten months out of the year. There had been no change. Councilor Capalbo questioned whether the fire inspections could be done ahead of time. The Clerk indicated she could ask, but noted the Hope Valley-Wyoming Fire Marshal had not been able access to the campground because of the accumulated snow.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO GRANT RENEWAL TO THE GREENWOOD HILL CAMPGROUND ASSOCIATION CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET, ALL TOWN TAXES CURRENT AND THE APPROVAL OF THE FIRE MARSHAL, PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

Holly Tree Campgrounds, Inc. – Marie Patrizzo, 109 Ashaway Road, Ashaway, RI licensed for 158 Campsites and Safari Sites. Marie Patrizzo was present. Filing fees had been paid and notice posted. The list of campers had been submitted. An inspection by Building/Zoning Official had been conducted. There was no Fire Marshal inspection report.

A motion was made and seconded to approve the campground license renewal which led to discussion: Conservation Commission Chairman Harvey Buford was present. He commented that during a tour of the area this past fall of land owned by the Land Trust abutting this campground, they found that on the eastern boundary of the parcel along Tomaquag Brook, the stone wall that represents the boundary had been moved by one or more of the camper sites. He stated he wanted to bring it up, get it on the record and work towards a remedy of the

situation. He showed photographs of the infringement with the placement of personal belongings in the area and the relocated stones from boundary walls. Anthony Patrizzo asked for a copy of the photographs so that he could rectify the situation. Mr. Buford will provide them to him. Mr. DiLibero stated he would make the Building & Zoning Official aware of the situation. Discussion ended and the Council proceeded to vote as follows:

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE HOLLY TREE CAMPGROUND, INC. CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET, ALL TOWN TAXES CURRENT AND THE APPROVAL OF THE FIRE MARSHAL, PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

Whispering Pines Campground – Clint Ramsden, 41 Saw Mill Road, Hope Valley, RI licensed for 213 Campsites and Safari Sites. Abe Wightman was present. Filing fees had been paid and notice posted. The list of campers had not been submitted. There was no Fire Marshal inspection report. There was no inspection report by the Building/Zoning Official who recommended the Council approve the renewal subject to his inspection.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR FELKNER TO GRANT RENEWAL TO THE WHISPERING PINES CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET, ALL TOWN TAXES CURRENT, A LIST OF THE PERMANENT CAMPERS, INSPECTIONS BY THE FIRE MARSHAL AND BUILDING/ZONING OFFICIAL, PRIOR TO ISSUE.

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**

The Executive Session Minutes of December 15, 2008 and Town Council Meeting Minutes of December 15, 2008 were removed from the Consent Agenda.

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

FOLLOWS: Set February 17, 2009 as the second meeting in February due to Presidents Day Holiday; Accept the following quarterly report: GIS/IT Director.

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

OPPOSED: None

SO VOTED

Councilor Kenney removed the executive session minutes as there was no opportunity for the Council to review them and they will be placed on the next Council agenda. Council President Buck removed the December 15, 2008 minutes for corrections as follows: On page 6 he had recused himself from the matter involving the Ashaway Volunteer Fire Association request but was listed as voting. On the same page the word “setting” be added to the last sentence and eliminate the duplicate “he stated” on the discussion on the awarding of the bid. On page 4 bottom paragraph, add a “d” to the word table. The Town Clerk will make the corrections.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE DECEMBER 15, 2008 TOWN COUNCIL MEETING MINUTES WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Scott Bill Hirst of Maple Court requested the Town Council adjourn in memory of the late Claiborne Pell, a longtime Senator who had visited Hopkinton. He stated he and his brother had interviewed the Senator on cable television some years ago and that the Senator had autographed an old Rhode Island Manual for them. He stated he would be missed and had a lot of respect for Senator Pell.

Patricia Fontes of Lawton Foster Road stated she had questions relating to something that came up during the last Planning Board Meeting. She stated there was a proposal to use the building behind the gas pumps at Morrone Service Station and that an unnamed individual had mentioned a second phase to the project with more buildings and additional use of the land along Route 216 but that there was an issue with getting the water from Exit 1. She stated someone had asked how the water would get there from Exit 1 and the response was that all of Ashaway village would be getting the water from Exit 1. Ms. Fontes stated she thought that to be preposterous, but questioned the Council for information as to whether it was true. Council President Buck stated he knew nothing about it and that she should take it up with the Planning Board. Ms. Fontes suggested there was an effort afoot to exploit the ocean of water in the aquifer. Councilor Thompson stated it was the first she had heard of it. Councilor Kenny stated the Council would have to look into it.

**TOWN SOLICITOR REPORT**

Town Solicitor Patricia Buckley reported the complaint filed by the Women's Development Corporation against the Town had been dismissed by Chief Judge Lisi in Federal District Court.

**COUNCIL PRESIDENT REPORT**

Town Council President Thomas Buck stated he hoped all had had a great Christmas and New Year. He reported Town Hall repairs were progressing; the paneling had been installed on the wall behind the Council chambers, the sheet rock was being installed and the heat installation was expected to begin the latter

part of next week. He stated he was optimistic they could be back in the building for the first meeting in February.

## **TOWN MANAGER REPORT**

Town Manager William DiLibero reported the new part time Finance Director Laura Kenyon had begun working. Her hours are Monday, Tuesday and Thursday. He reported she had municipal finance experience and that letters were going out to the individuals who had applied for the position; reported he had begun working on salary spreadsheets for the professional staff for use during negotiations; had been dealing with a dispatchers grievance; reported the Town Hall mold remediation repairs and improvements were keeping him busy, the modular offices had been ordered and the doors had been installed on the vestibule; reported he had met with Ray Quinlan pertaining to Exit 1; had placed information on the One Call Now Notification System on the Town's website, that there would be articles published in the Providence Journal and Westerly Sun, that the phone numbers from Cox Communications would be incorporated into the system. He stated a test of the system would be scheduled at the end of the month. Mr. DiLibero reported he expected to receive a letter from Government Health Group of RI (GHGRI) relating to the insuring of non-Town employees because Blue Cross Blue Shield would like them removed from the Town's group policy which involved three or four individuals from a fire district, a former Town Clerk and the widow of the late Public Works Director Charles Niles. Councilor Capalbo questioned how soon. Mr. DiLibero responded no notice has been received yet, but the Town was trying to be proactive about the matter with a suggestion to GHGRI to have the employees of the volunteer fire departments form an association to come in as a separate insured group in GHGRI, but not through the Town's group. Councilor Capalbo asked for confirmation that then the insurance coverage would only be for town employees, the others on the Town policy would be gone. Mr. DiLibero responded in the affirmative, but with the exception of Mrs. Niles, who had three years of COBRA. Councilor Felkner questioned who it was that the previous Council had granted insurance. Council President Buck stated it was Barbara Niles who was entitled three years of COBRA because her husband Charles Niles passed away during his

service to the Town. Councilor Thompson questioned if Mr. DiLibero knew when this would happen. Mr. DiLibero responded he did not know.

Councilor Capalbo questioned when the Council would receive information on the salary for the part time finance director. Mr. DiLibero noted Councilor Thompson had requested a spread sheet with the budget for the department with the figures for the current finance budget and new budget reflecting the change to a part time finance director that he would prepare. Councilor Capalbo asked whether a clerk was to be added for the remaining two days. Mr. DiLibero responded a clerk would be there at some point two days per week once the Finance Director was trained. Councilor Capalbo noted the contract had been signed but stated she had a problem with the \$45,000.00 salary and wanted to know when they could discuss it as her full time salary would be \$75,000.00 and our former finance director made \$57,500.00. Mr. DiLibero stated the salary, if full time, would be \$65,000.00 plus health insurance. Councilor Capalbo stated the former finance director made \$57,500.00 plus benefits. A 3/5ths salary would be \$34,500.00 vs. the \$45,000.00 for three days, which was \$12,000.00 more than the former finance director was paid for three days and that part time employees who worked 24 hours would not get health insurance benefits anyway. She felt the salary to be a real issue and she was not pleased that the contract had been signed, with her making a full time salary basically \$2,000.00 less than what the Town Manager made, making her the highest paid person in Town. She thought it was a real issue and did not know how to address it. Councilor Kenney stated they could not. Solicitor Buckley stated once the contract was signed the Council could not address it. Councilor Felkner questioned how the contract got signed as he thought that during their conversation he asked if he had to vote on it or if it was being provided to the Council as information only, not as approval of the contract. Mr. DiLibero stated he was informing him. Councilor Felkner asked if Mr. DiLibero had told the Solicitor that he had given his consent to this. Mr. DiLibero stated he told the Solicitor that he had spoken to all the Council members and that it had been his understanding that Councilor Felkner had been in agreement with the salary. Councilor Felkner thought he had been clear when

he asked if it was informational because he wouldn't have given his approval unless he had documentation in front of him. Councilor Capalbo did not feel the salary worked with the rest of the Town employees and staff as the salary had gone up exponentially and she was working only three days a week not five. Council President Buck noted due to the in-depth discussion, they would have to place the matter on an agenda to discuss it further. Councilor Thompson stated the Town Charter spelled out the duties of the Town Council and the Town Manager and that the Town Manager's responsibility was to take care of personnel, it was within his authority to sign the contract. He had not done anything improper. Councilor Capalbo noted the Council set the salary.

Council President Buck questioned if the revised salary spreadsheet being prepared for the professional staff was based on a State-wide average. Mr. DiLibero responded that it was being prepared with the highest paid person in the position and the lowest paid person in the position State-wide. Council President Buck stated his conversation with Mr. DiLibero was that he felt that process would be biased to the Town of Hopkinton, as we are not equal to Warwick, Cranston or Providence. He preferred to see comparisons to those five or six Towns with similar demographics, population, tax base, etc. and use those five or six, because Providence had a much larger tax base than Hopkinton. He would like to then see the average from those towns that were equal to Hopkinton because he did not want to compare apples to oranges or pay someone a salary level one would make in Warwick vs. a salary level of what one would make in Foster. Mr. DiLibero explained that the purpose of the exercise he was working on was to look at our positions and how they related to other professional positions State-wide. It was not to say what a planner position was making in Providence vs. what the planner position was making in Hopkinton. The point was to see what the highest paid planner was paid in comparison to all the other department heads because the department head contract paid all the department heads the same base salary, which was different from every other Town in the State. He stated usually there was a tier of different paid salaries for different titles. Typically, a Planner received more than the Tax Assessor, who typically

makes more than the Tax Collector. Hopkinton's base salary for every department head within the union was the same. He stated he wanted to look at the ratio between one position, with all the other positions. To see how it should fall if it should be decided this was the direction they wanted to take and they wanted to have different base pays for the different positions like it was done in all the other towns in the State. He stated it was an anomaly to have all department heads have the same base pay.

## **OLD BUSINESS**

### **TOWN BILLS**

Council President Buck reported there were additions to the bill list: \$299.40 to Cybershore Communications and \$60.00 to the Attorney General. A motion was made by Councilor Kenney and seconded by Councilor Capalbo to authorize the Finance Department to pay the Town Bills with the two additions which led to discussion: Councilor Felkner had a question on the two pension payments, were these monthly payments and how many people this covered. Mr. DiLibero stated he would get him the numbers. Councilor Capalbo questioned the Terminex invoice. Mr. DiLibero responded that was for the service on a month-to-month basis. Council President Buck questioned the invoice to Maine Local Roads Center in the amount of \$50.00. Mr. DiLibero stated he would provide them with the information. Council President Buck questioned the Mushroom Graphics invoice. Mr. DiLibero responded this invoice was for an audit of the server as a result of moving it during the Town Hall repairs. He explained that an individual had been hired to perform testing on the server as recommended by the Town's GIS/IT Director because she felt it was in the best interest of the Town to have a specialist run the diagnostics and check the performance of the server. Councilor Capalbo questioned if it was similar to what would be done when dealing with a cyber threat, to check the sequences, etc. Mr. DiLibero responded in the affirmative. Council President Buck questioned the Outback Storage invoice. Mr. DiLibero stated the Town was renting one unit and had purchased one unit. Discussion ended with the intention to proceed to a vote. Town Clerk Elizabeth Cook-Martin stated she believed there were a total of four additions to the bill list. Council President Buck reviewed the bills and determined there were two more:

\$1,589.65 to Roger Williams University and \$294.00 to Stillman Uniforms submitted by the Chief of Police. Councilor Capalbo questioned the Roger Williams University invoice as she thought education would no longer be covered as it was eliminated from the contract. Council President Buck responded not yet. Councilor Kenney and Councilor Capalbo agreed to amend their original motion to add the two additions.

Vote on amended motion:

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO AMEND THE ORIGINAL MOTION TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH THE ADDITION OF VOUCHERS SUBMITTED BY THE CHIEF OF POLICE IN THE AMOUNT OF \$294.00 TO STILLMAN UNIFORMS AND \$1,589.65 TO ROGER WILLIAMS UNIVERSITY.

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

OPPOSED: None

SO VOTED

Vote on original motion as amended:

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 IN THE AMOUNT OF \$299.00 TO CYBERSHORE, INC., A VOUCHER SUBMITTED BY THE CHIEF OF POLICE IN THE AMOUNT OF \$60.00 TO THE ATTORNEY GENERAL AND VOUCHERS SUBMITTED BY THE CHIEF OF POLICE IN THE AMOUNT OF \$294.00 TO STILLMAN UNIFORMS AND \$1,589.65 TO ROGER WILLIAMS UNIVERSITY.

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

OPPOSED: None

SO VOTED

**NEW BUSINESS**

**INTERVIEWS – APPOINTMENTS – RESIGNATIONS**

There were no interviews, appointments or resignations.

**SET HEARING DATE RE: AMENDMENT TO GROUNDWATER/WELLHEAD PROTECTION ORDINANCE**

The Council set February 2, 2009 as a hearing date to consider an amendment to Groundwater and Wellhead Protection Ordinance introduced and sponsored by Council President Buck, Councilor Thompson and Councilor Capalbo. Councilor Kenney stated she too would like to sponsor this ordinance amendment. Council President Buck questioned Conservation Commission Chairman Harvey Buford regarding how much time he would need so that the agenda could be properly set up. Mr. Buford responded he might need five or ten minutes but that he could not determine how much time any discussion might take. Councilor Thompson questioned if the Wood Pawcatuck Watershed Association would be noticed. The Town Clerk stated they would.

**CORRESPONDENCE**

Council President Buck reported that the Eagle Scout Project correspondence mentioned at the December 15, 2008 meeting that had been scheduled for December 21, 2008 brought in roughly \$1,200.00 for the Jimmy Fund.

Councilor Kenney commented on correspondence received from the City of Warwick pertaining to the acceptance of a fuel bid for District 6 for the City of Warwick and questioned if it applied to Hopkinton who was in District 7. Mr. DiLibero stated he would look into it.

Mr. DiLibero noted receipt of a letter from the RI Department of Transportation indicating that with the new administration coming in, that they anticipated Congress would be making funds available through an economic stimulus package in early January 2009 so the RIDOT had identified \$1,000,000.00 in additional projects that could be advertised by the deadline in August 2009. The letter included a spreadsheet with two scheduled projects that were pending in Town. Councilor Kenney questioned if this meant there was a question on whether they would be starting the repairs on the Wyoming bridges estimated for completion in 2011.

**PUBLIC FORUM**

Patricia Fontes of Lawton Foster Road noted for the past couple years she had chaffed about the fawning that had been done over the exiting finance director. She stated she was glad the new finance director had municipal experience.

Scott Bill Hirst of Maple Court congratulated Councilor Felkner regarding the temporary restraining order filed against the Chariho School Committee that had been decided his way and hoped that he would be successful with it all.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR FELKNER TO ADJOURN IN MEMORY OF CLAIBORNE PELL.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk