

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of April 2008 A.D. the said special meeting was called to order by Town Council President Vincenzo Cordone at 7:00 P.M. in the Town Hall Meeting Room.

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

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO CONVENE THE TOWN COUNCIL MEETING AND SEAL THE APRIL 7, 2008 EXECUTIVE SESSION MINUTES.

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

OPPOSED: None

SO VOTED

**HEARINGS:**

**2008 C.D.B.G. APPLICATION**

The Council opened a second hearing on the 2008 Community Development Block Grant application. The 2008 Community Development Block Grant application had been reviewed by the Planning Board on April 3, 2008 and the Planning Board determined the activities were not in conflict with the Comprehensive Plan. Town Planner James Lamphere was present.

Mr. Lamphere had prepared a memorandum of explanation for the proposed activities which comprise the grant application as follows:

Housing Rehabilitation/Operating Costs: fund in the amount of \$89,300 of which \$9,300.00 are operating costs, are requested to continue the housing rehabilitation activity operated by the Community Development Consortium. Loans at 0% and 3% will be provided to very-low income families and the elderly and to moderate-income families respectively. Interest subsidies for RI Housing loans, and lead paint inspections and mitigation will also be provided; Hope Valley Revitalization Management: Funds in the amount of \$10,000.00 are requested to support the

Town's participation in the Community Development Consortium and to pay necessary expenses associated with Hope Valley Revitalization Plan implementation. The plan provides for multiple but inter-related activities designed to assure that the Village remains a viable economic entity and a suitable place to live and raise a family; Rockville Mill Conversion: Funds are requested in the amount of \$90,000.00 to continue to support the cost of pre-development activities leading to the conversion of this historic property to affordable housing; South County Community Action: Funds in the amount of \$20,000.00 are requested to assist the SCCAP with their Audit Job Training/Placement Program. This activity proposes to enroll approximately 20 eligible individuals from an increasing number of displaced workers in Town into a comprehensive job training/placement program oriented toward employment in high demand occupational fields; Bradford Jonnycake Center: Funds in the amount of \$3,000.00 are requested to support this agency that provides assistance to families in emergency need including fuel, rent, utility and similar critical situations; Warm Shelter: Funds in the amount of \$8,000.00 are requested to support the cost of operating the Jobs Readiness Site. The Site is designed to prepare shelter clients for employment leading to self sufficiency; Housing Information Program (HIP): Funds in the amount of \$3,000.00 are requested to support the cost of participation in the area-wide fair housing information program. The program is operated the Narragansett Housing Authority and is carried out in local schools. The activity qualifies as the Town's required fair housing activity mandated by federal regulation; Domestic Violence Resource Center of South County: Funds in the amount of \$3,700.00 are requested to undertake improvements to this agency's facilities. Funds will be used for improvements at the Safe Home, including a double locking door that will enable two existing rooms to be used either as separate rooms or as a suite accommodating larger families. A new roof and catch basins to correct an existing problem with flooding; Washington County Community Development Corporation: Funds in the amount of \$5,000.00 are requested to provide operating support for this start-up affordable housing organization created to assist communities implement their affordable housing plans; Community Housing Land Trust: Funds are requested in the amount of

\$3,000.00 to enable this non-profit corporation to provide technical assistance to communities in the implementation of their affordable housing program and to provide community outreach and technical assistance to prevent/mitigate property foreclosures; Program Administration: Funds in the amount of \$15,000.00 are requested to support the cost of managing the CDBG program. Funds are for Consortium management, environmental reviews, citizen's participation and application preparation and are not included in the ranking of requests.

Councilor Thompson questioned how much grant funding the Town was eligible for. Mr. Lamphere responded \$250,000.00.

Councilor Capalbo questioned the status of the Rockville Mill. Frank Spinella responded that part one and part two were completed and that the project was vested under the old Historic Tax Credit deadline, that by the end of the summer, the project would be under construction for the eight residential units and the four commercial units.

The Council ranked and funded the requests as follows:

- #1 Hope Valley Revitalization Management in the amount of \$10,000.00;
- #2 Rockville Mill Conversion - \$90,000.00;
- #3 South County Community Action - \$20,000.00;
- #4 Housing Rehabilitation - \$89,000.00;
- #5 Bradford Jonnycake Center - \$5,000.00;
- #6 Warm Shelter - \$6,000.00;
- #7 Housing Information Program - \$ 3,000.00;
- #8 Domestic Violence Resource Center - \$ 4,000.00;
- #9 Washington County CDC - #5,000.00, and;
- #10 Community Housing Land Trust - \$3,000.00.

\*Program administration is not required to be ranked.

#### **AUTHORIZING RESOLUTION OF THE LOCAL GOVERNING BODY**

WHEREAS, funds are available under the Rhode Island Small Cities Community Development Block Grant Program, administered by the Community Development office; and,

WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said Community Development office to disburse such funds; and,

WHEREAS, it is in the interest of the citizens of the Town of Hopkinton that application be made to undertake a Small Cities Community Development Program.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hopkinton: That the filing of this application for the amount of \$250,000.00 to implement the activities proposed herein hereby authorized and that Vincenzo Cordone is hereby authorized and directed to file this application with the Community Development office, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the Town of Hopkinton in all matters relating to this application and any award which may be based upon this application.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO ADOPT THE AUTHORIZING RESOLUTION.

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

OPPOSED: None

SO VOTED

**TAX STABILIZATION REQUEST: HOPKINTON INDUSTRIAL PARK, LLC**

The Council opened a hearing on a request for Tax Stabilization filed by Raymond J. Quinlan and Lydia Teixeira for Hopkinton Industrial Park, LLC of 185 South Broad Street, Pawcatuck, CT 06379 for property located at 15 Gray Lane, identified as Assessor's Plat 4 Lot 12, a Manufacturing Zone.

There was no one present representing Hopkinton Industrial Park, LLC. The tax stabilization policy does not address whether the applicant must be present.

Council President Cordone requested the Solicitor to modify the policy to require the applicant's presence. The Council continued this matter to the April 21, 2008

Town Council Meeting. The Town Clerk will forward a letter to the applicant requesting their attendance.

**ZONING ORDINANCE AMENDMENT INVOLVING SECTION 8 NON-CONFORMING DEVELOPMENT & SECTION 13 MODIFICATION OR ADJUSTMENT**

The Council opened a hearing on an ordinance in amendment of Section 8 Non-conforming development, Subsection (C) and Section 13 Modification or adjustment, Subsections (A), (B), (C), (D) & (E) of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton as amended. The amendment to Section 8

would allow the zoning enforcement official to grant an administrative special use permit under certain circumstances if the alteration decreases or does not increase the dimensional non-conformity, and is limited to single family residences in R-1 and RFR-80 zones. The amendment to Section 13 would allow the zoning enforcement official to grant modifications from certain literal dimensional requirements applicable to both conforming and non-conforming properties. It further establishes sections dealing with an application procedure, criteria for a provisional grant, special conditions, denial, notice requirements, appeals and the maximum allowed modification to be granted. These ordinance amendments are introduced and sponsored by Councilor Thomas Buck.

Building and Zoning Official Brad Ward; Zoning Board Members Jeffrey Gilman, Daniel Harrington, Jonathan Ure and Thurman Silks were present.

Councilor Buck indicated that his initial concern with the proposed ordinance amendments would be that appropriate checks and balances were in place, and so language had been added to satisfy his concerns. He stated implementation of these ordinance amendments would assist in alleviating the burden of the Zoning Board and allow for a simpler procedure to be done administratively by the Building and Zoning Official. Council President Cordone questioned what safeguards were in place. Councilor Buck responded that if an abutting property owner objected to what was being proposed the applicant would be required to apply to the Zoning Board of Review.

Councilor Capalbo questioned the requirement of a published notice and whether the public notice was in addition to the notice provided to abutters within 200 feet. Mr. Gilman responded that the new amendment mirrored Section 13 and that both the advertisement and notice to abutters were a requirement in the zoning regulations and would be at the applicant's expense.

Scott Bill Hirst of Maple Court questioned how many other RI Cities and Towns allowed these types of applications to be done administratively. Mr. Ward

responded that Hopkinton seemed to be the exception to the rule. He explained that the way the zoning regulations had been originally written, were how the regulations had been administered, there was no other choice.

Mr. Gilman expressed his appreciation to Zoning Board Solicitor Todd Romano, who he stated had done a great job with the ordinance amendments and was an asset to the Zoning Board.

Patricia Fontes of Lawton Foster Road questioned what a literal dimensional requirement was. Mr. Ward explained that if a person had a non-conforming lot, literally, under the ordinance, that person would need a special use permit. With this amendment, he as the Administrative Officer will be authorized to handle the modification process. Mr. Ure used an example, those pre-existing, non-conforming lots that pre-dated zoning, they would be able to use a portion of the set back, provided abutters did not object.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO CLOSE THE PUBLIC HEARING AND SET APRIL 21, 2008 AS THE DATE TO CONSIDER ADOPTION OF THE ORDINANCE AMENDMENTS.

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

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

Councilor Capalbo removed the Town Council Meeting Minutes of March 3, 2008 from the Consent Agenda and noted she would abstain from voting on the March 17, 2008 Town Council Meeting minutes as she had not been present.

A MOTION WAS MADE BY COUNCILOR AND SECONDED BY COUNCILOR TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Town Council Minutes of February 19, 2008; Executive Session Minutes of February 19, 2008; Town Council Meeting Minutes of March 3, 2008; Town

Council Meeting Minutes of March 17, 2008; Special Town Council Meeting Minutes of March 31, 2008; Accept the following reports: Tax Collector's collections to date, Tax Assessor – which includes abatements & supplements.

IN FAVOR: Cordone, Kenney, Thompson, Buck

ABSTAIN: Capalbo

OPPOSED: None

SO VOTED

Councilor Capalbo explained she had removed the March 3, 2008 Town Council meeting minutes to request an amendment on page six. She requested that the third paragraph beginning with "Councilor Buck expressed concern with Accessory Family Dwelling Units", be moved up under the first sentence on the same page as it related to Accessory Family Dwelling Units.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO APPROVE THE MARCH 3, 2008 TOWN COUNCIL MEETING MINUTES AS AMENDED.

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

OPPOSED: None

SO VOTED

#### **PUBLIC FORUM**

Georgia Ure of Prospect Square referred to the upcoming Chariho Referendum set for April 8, 2008. She noted that the School District held a \$6.7 million dollar surplus and that Hopkinton had asked for actual expenditures during the budget process, which the district did not do. She cautioned that in light of the budget situation and the present economic climate, with numerous bank foreclosures and credit crisis and people having a tough financial time trying to purchase food, gas, prescriptions, etc. She felt the district should have prepared their budget accordingly, but instead expanded programs and added staff. She hoped that people would come out and vote.

Scott Bill Hirst of Maple Court stated the economic times were tough and felt the Chariho budget needed to be rejected and felt a Management Study was necessary

for accountability. He recognized the Council's involvement throughout the budget process and hoped the School Committee gets the message if the budget is rejected and that they look to the surplus to address school building's needs. He stated the school district had the advantage as they were not accountable to the Town because they were regionalized and there was the maintenance of effort factor. He urged the Town Council to strongly reiterate the Council's suggestions and recommendations on school building needs.

Mrs. Ure asked for the Council's recommendation and their feelings on the budget. Council President Cordone stated the Council could not respond, as it was not on the agenda.

#### **TOWN SOLICITOR REPORT**

Town Solicitor Patricia Buckley reported she had attended the grievance arbitration hearing relating to comp time; attended a dispatcher contract negotiating session. She thanked Mr. Gilman for his expression of appreciation to Zoning Board Solicitor Todd Romano. She pointed out that Solicitor Romano, Planning Board Solicitor Scott Levesque and Solicitor John McCoy who worked with the Tax Collector's Office, loved their work and fielded many calls from the Town. She stated she was proud of them as well but the Town's confidence in their ability meant a lot.

#### **COUNCIL PRESIDENT REPORT**

Council President Cordone reported the Chariho Referendum would be held on Tuesday, April 8, 2008 from 8:00 AM to 8:00 PM at the Town Hall; reported that invitations had been sent out to Senator Breene, Representative Kennedy, Senator Algieri, Representative Scott and Representative Walsh for the April 21, 2008 Town Council Meeting to clarify Hopkinton's stand on the latest Chariho bonding proposal; he reported the Town's budget was a work in progress, that he had missed the last workshop on March 31, 2008 with another workshop scheduled for April 28, 2008. He reported he had attended a Chariho Tri Task Force on Substance Abuse workshop on underage drinking last week and found out that 40% of 8<sup>th</sup> and 9<sup>th</sup> graders had experimented with alcohol. He stated he felt the Town's would have to be more involved on this issue.

## **TOWN MANAGER REPORT**

Town Manager William DiLibero reported he had dealt a number of personnel related matters; reported the Town held it's first Municipal Court Session on Friday, April 4, 2008 and that it went well; reported he had worked with the Council and Finance Director in relation to the proposed budget; worked with department heads in preparation of the Spring newsletter; participated in a group meeting with the Office of Statewide Planning regarding improvements to the Comprehensive Planning process with discussions on sequencing updates with the ten year census and allowing an 18 months window to make changes to the Comprehensive Plan in relating to zoning. That some communities present felt that would present a financial burden to their Town, plus the State still had to review and approve the plan amendments. He reported he had attended a Land Trust Meeting regarding open space bonding; attended a meeting of the Town Managers Association with new RIDOT Director Jerry Williams.

Councilor Buck questioned if there were two clerks for the Municipal Court. Mr. DiLibero responded that two clerks had been trained on the system; the Municipal Court clerk Christine Savageau and a back up clerk Sherry Steadman, in the event one was not available for a court session and stated they both were in attendance for the first Municipal Court session, but two clerks will not be there each session.

Councilor Capalbo asked that the Manager to study the 25 mph speed limit on Spring Street to determine if it could be changed to a speed limit more reasonable.

Councilor Thompson noted the Police Department had performed traffic studies in the past and suggested they may be able to assist with a study. Mr. DiLibero noted that Spring Street was a State road and the State sets the speed limit, but that the Town might be able to request that they look at it.

## **OLD BUSINESS**

### **TOWN BILLS**

The Council questioned the Little Medeiros Kinder billing and requested a breakdown of billable hours, which Mr. DiLibero will provide. It was noted the bill list format now included more additional detail.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH NO ADDITIONS, HOLDING THE LITTLE MEDEIROS KINDER INVOICE.

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

OPPOSED: None

SO VOTED

## **NEW BUSINESS**

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

#### **Recreation Commission**

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO APPOINT PATRICK GENGARELLA TO THE RECREATION COMMISSION.

IN FAVOR: Cordone, Kenney, Thompson, Buck

ABSTAIN: Capalbo

OPPOSED: None

SO VOTED

Councilor Capalbo abstained as she had not been present for Mr. Gengarella's interview.

### **PLACEMENT OF ROUTE 216 ON THE TRANSPORTATION IMPROVEMENT LIST**

Council President Cordone reported he had requested this item for discussion, but because the needed repairs to Route 216 were not related to emissions or smog reducing, which the criteria of in the 2009-2012 TIP Program defined as Congestion Mitigation/Air Quality, the road was not eligible. Mr. DiLibero noted the deadline for submission had been February 27, 2008. He reported there had not been funding available to finance the projects, so improvements were limited to air quality funding. He stated he would follow up and see if the RIDOT would be willing to do some repairs to Route 216. Council President Cordone stated there was also an area that had experienced some sinking of the roadway near the intersection of Route 3 and Oak Street near the post office in need of attention. Mr. DiLibero stated he would take some digital pictures and include the photos with his letter. Councilor Capalbo felt another road in need of serious

improvement was Wellstown Road. Mr. DiLibero stated there was a one week window next January where the Town could ask that Wellstown Road be added. Scott Bill Hirst of Maple Court suggested Woodville Road was in need of repair as well as the area of Route 216 near the Trinity Lutheran Church which had an existing drainage problem. Councilor Capalbo agreed and noted that it was a safety concern as there was a preschool on the premises and the Chariho School District used the area as a bus turn around. Councilor Buck added that the area where the school busses turn in from Laurel Street needed repair.

#### **OPEN SPACE BONDING RESOLUTION – LAND TRUST**

Land Trust Board of Trustees Member Carol Baker of Ashaway Road was present. She stated she was in attendance to clear up any confusion with the open space bonding proposal being considered by the State of Rhode Island on the November ballot and a separate open space bonding proposal specific to Hopkinton. She stated the Land Trust was seeking support this evening from the Town Council for the 2008 RI Open Space Bonding question. She stated every few years the State of Rhode Island places an open space bonding question on the ballot, the last one was in 2004 and the Hopkinton Land Trust was able to purchase the Lundgren property, so the Town benefited as well. The Governor was proposing another open space bonding question for November and there was an effort to increase the amount to \$15 million. She stated the Town of Hopkinton had supported open space acquisition in the past. A sample resolution was distributed and she indicated the Land Trust was asking the Town Council to consider adopting a resolution of support. She stated 16 out of the 39 cities and towns had already expressed their support. Councilor Buck stated he had no problem with it. Councilor Thompson stated she would prefer to walk into a voting booth to decide and expressed concern because of Rhode Island's poor financial condition. Councilor Kenney stated he had no problem with it. Councilor Capalbo stated she preferred to consider the resolution on the April 21, 2008 Town Council agenda so that she would have time to review the proposed resolution just received. Council President Cordone stated he doubted the State of Rhode Island would be able to find an additional ten million dollars to add to the open space bonding question. Councilor Capalbo stated she would prefer that that

Hopkinton's Land Trust got their one million dollar bonding proposal. Jeffrey Gilman of Evans Land stated he had served as a member of the Land Trust and was aware of the good work they did. He added that he was an advocate for recreation and hoped that some property could be purchased for that purpose. Councilor Capalbo felt that to be a good point, but there was no guarantee Hopkinton would get a grant as a result. She stated there was a better chance with the one million dollar proposal being sought by the Land Trust locally. Mrs. Baker spoke in support of the program as being vital at the State level and that the programs were matching, augmented and multiplied. Patricia Fontes of Lawton Foster Road asked for clarification of Mr. Gilman's point; was the Land Trust land for passive recreation. Mr. DiLibero felt that Mr. Gilman was advocating for active recreation. Mr. Gilman responded that there was a lot of open space already owned in Town and when was enough passive recreation enough. He reported there were not enough fields to practice on, before games began, there is no time to practice and the issue was related to a growing population in the area. He encouraged seeking appropriate properties for recreational purposes.

This matter will be placed on the April 21, 2008 Town Council Agenda.

#### **RESIDENTIAL FAMILY COMPOUND ORDINANCE**

The Council scheduled May 22, 2008 as a joint workshop with the Planning Board. The scheduling of a hearing date for the Residential Family Compound Ordinance amendment introduced and sponsored by Council President Cordone was delayed for the time being.

#### **CORRESPONDENCE**

Councilor Thompson noted receipt of an invitation from the Town of Westerly for the May 18, 2008 Neighbor Day celebrations from 10:00 AM to 1:00 PM at the steps of the Westerly Town Hall; noted the Chariho Regional School District would be celebrating its 50<sup>th</sup> Anniversary in 2008 and were seeking members from the community to serve as part of a committee.

Councilor Capalbo noted receipt of an article on "Companies turning waste into power" from David Heaps. She requested a letter be sent informing him that

Hopkinton no longer has a landfill but to express the Council's appreciation for his interest in the Town.

**PUBLIC FORUM**

Patricia Fontes of Lawton Foster Road noted a Westerly Sun article regarding American Kuhne and had labeled them as a manufacturer vs. a wholesaler and that a letter that she had sent to the editor had not yet been published.

Carol Baker of Ashaway Road questioned the status of the Land Trust request for a local open space bonding question. Council President suggested in June after the budget procedure was finalized.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk