

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of February 2008 A.D. the said 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.

HEARINGS

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

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

OPPOSED: None

SO VOTED

CAMPGROUND LICENSE RENEWALS

Open a hearing on the renewal of the following campground license continued from January 7, 2008:

Whispering Pines Campground – Clint Ramsden, 41 Saw Mill Road, Hope Valley, RI licensed for 213 Campsites and Safari Sites.

The caretaker of the campground was present on behalf of Mr. Ramsden. The filing fees had been paid and notices posted. The Assessor's Office reported the campground had submitted their list of trailers. Councilor Kenney questioned if campers were in the campground twelve months out of the year. The caretaker responded no, the campground had been closed since Columbus Day, that there was no water service while the water system was shut down.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO GRANT RENEWAL TO THE WHISPERING PINES CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE WHICH INCLUDES THE CORRECTION OF THE ELECTRICAL

DEFICIENCIES, A REINSPECTION BY THE BUILDING AND ZONING OFFICIAL AND APPROVAL BY THE HOPE VALLEY WYOMING FIRE DISTRICT INSPECTOR.

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

OPPOSED: None

SO VOTED

COMMERCIAL HAULERS LICENSE RENEWALS

Open a hearing on renewal of the following Commercial Haulers Licenses continued from February 4, 2008:

Mike Micklich, 293 Spring Street, Rockville, RI 02873. Mr. Micklich was not present. His application and renewal fee had been received.

RPKK, INC. d/b/a RPE Waste Services, Kyle Roode, 9 King’s Factory Rd., Richmond, RI. Mr. Roode was not present. No application and no renewal fee had been received to date.

S. Tinnerello & Son, Inc., Joseph Tinnerello, 29 Jefferson Ave., Box 22, New London, CT. Mr. Tinnerello was present. The application and renewal fee had been received.

Councilor Thompson reported that the Council may be considering eliminating the requirement of the attendance of commercial haulers for their renewal after this year. Councilor Capalbo stated that it should only be considered after this year’s commercial haulers licenses were filed and this year’s licensing procedure was complete.

Council President Cordone suggested RPE Waste Services be cited as their license had expired on January 31, 2008. Councilor Capalbo suggested giving RPE Waste Services thirty days to comply. Solicitor Buckley will forward letters to Mr. Roode of RPE Waste Services and Mr. Micklich instructing them that they must contact the Town Clerk’s Office to make arrangements to become officially licensed or they risk being violated by the police department.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR BUCK TO GRANT RENEWAL TO THE S. TINNERELLO & SON, INC. COMMERCIAL HAULERS LICENSE.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

Councilor Buck removed the Finance Director's report from the Consent Agenda and noted he would be abstaining from voting for the February 19, 2008 Town Council Meeting as he had not been present for this meeting.

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

FOLLOWS: Approve Town Council Meeting Minutes of February 4, 2008;

Accept the following reports: Animal Control Official, Town Clerk, Meal Site Manager, Tax Collector – which includes adjustments & collections to date, Tax Assessor – which includes abatements & supplements,

IN FAVOR: Cordone, Kenney, Thompson, Capalbo

OPPOSED: None

ABSTAIN: Buck

SO VOTED

Councilor Buck stated he noticed the Finance Director's report included that the Town was owed money from various sources: block grants, a recreation grant, a RIDEM grant and amounts related to the Thayer House and Water Line.

Councilor Thompson noted the reference to the Thayer House and Water Line had been on the books for some time and felt there would be ample time to discuss

these issues during the workshop that was to be scheduled later on the agenda.

Mr. DiLibero stated the block grants were consistent and there was a good track record for reimbursements. He reported that there was a concerted effort to get the \$25,000.00 RIDEM grant reimbursement. In regards to the Recreation Department Grant, he stated he would follow up with the Recreation Director.

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR CAPALBO TO ACCEPT THE REPORT OF THE FINANCE DIRECTOR.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Peter Marek of Grassy Pond Road referred to the letter from his attorney Gary Blais, Esq. that had forwarded on to the Town Council relating to his appeal to the RIDEM in relation to Hopkinton Associates, LLC and the Kenney Hill Estates development. He stated he wanted to make the Town Council aware that the developer was asserting that the culvert had been entirely removed from his (Mr. Marek's) property, but in fact the culvert was still located on his property and showed on the plans.

Georgia Ure of Prospect Square commented on the game of hide and seek that the Chariho School Committee had been playing with Hopkinton representative member William Felkner, with information being denied to him relative to legal proceedings involving collective bargaining. She stated he was being withheld information as an elected official and asked for the Town Council to support Mr. Felkner.

TOWN SOLICITOR REPORT

Town Solicitor Patricia Buckley reported she had prepared a number of letters; made the revisions to the draft gravel bank ordinance which had been distributed to Town Departments and Boards and Commissions; reported an integrated version of the Chariho Act had been prepared by Richmond Town Solicitor Karen

Ellsworth, which she had forwarded on to the Town Council; reported the final hearing at the State Housing Appeals Board regarding the Clark's Falls matter was pending and stated she would provide an additional report to the Council during the executive session.

Councilor Capalbo questioned the reasoning behind Richmond Solicitor Karen Ellsworth creating a revised Chariho Act, she had been surprised to see it.

Solicitor Buckley responded that perhaps Richmond had felt as Hopkinton had and requested their Solicitor to draw up an integrated document, as the Hopkinton Town Council had asked her to do.

COUNCIL PRESIDENT REPORT

Council President Vincenzo Cordone reported he had met with the Finance Director and Town Manager on February 15, 2008 to discuss the proposed budget and stated he felt the Town would bring a budget in below the 5% cap. He noted the Hopkinton Historic District signs had been installed and commented on how nice they looked, he offered his thanks to Patricia Fontes; He commented on how well the Town Councilors had handled themselves regarding recent Chariho meetings. He stated he felt that all Councilors stood by their beliefs and represented the Town very well and diplomatically reached out to the other two Towns in the school district.

TOWN MANAGER REPORT

Town Manager William DiLibero reported he had attended an arbitration hearing this past week; that the Department of Public Works grievance had been resolved; that contract negotiations were continuing regarding the dispatchers contract; was continuing to review ordinances in preparation for the Municipal Court; anticipated scheduling a mock trial date for March 7, 2008 with the first court date scheduled for April 4, 2008; had received a listing of proposed bills affecting cities and towns from the RI League of Cities and Towns and would forward them to the Council; was to meet with Senior Meal Site Manager Mark Radicioni and Joan Beachemin from the Richmond Senior Center for a discussion on transportation issues for senior citizens.

Council President Cordone questioned when the next newsletter would be published. Mr. DiLibero responded the end of April or early May and the edition would include information on the Senior Center, Senior Programs, Municipal Court as well as the proposed budget.

OLD BUSINESS

TOWN BILLS

The Town Council had some questions on various bills on the bill list including: Cott Systems, Ginger’s Car Wash/Gingers Service Station, David Bauerle, Highland Safety & First Aid, Morrone’s Trucking, Westerly Animal Hospital re: Bobo. The Council will be seeking more information from the Finance Office on the bills paid by the Town.

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 OR DELETIONS, HOLDING THE BILL FOR THE WESTERLY ANIMAL HOSPITAL.

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

OPPOSED: None

SO VOTED

PERSONAL USE OF TOWN VEHICLES POLICY

There had been no other changes to the proposed Town Vehicles Policy. In the absence of the Town Council President, the Town Manager would follow the chain of command and would consult with the Town Council Vice President upon receiving a request to take a town vehicle home.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO ADOPT THE POLICY REGARDING THE PERSONAL USE OF TOWN VEHICLE AS WRITTEN, AS FOLLOWS:

TOWN VEHICLE USE POLICY

1. It is the policy of the Town of Hopkinton that all town vehicles shall be used by town employees as needed for town business only and that they shall not be used for personal travel or commuting.
2. On those occasions that it is in the best interests of the Town of Hopkinton for a town employee to take a town vehicle home or to have it available at home for use upon immediate notice, pre-authorization must be obtained by the employee from the Town Manager in consultation with the Town Council President and only upon such terms and conditions as they shall determine.

3. A log of all personal use of town vehicles must be maintained by any employee so using the vehicle and such use shall be reported annually as income to the employee by the Town of Hopkinton in accordance with the requirements of the Internal Revenue Code and other applicable law.
4. This policy shall apply to all Town of Hopkinton employees and vehicles, provided, however, that in the event an employment contract has provisions that are contrary to this policy, the terms of the contract shall prevail for that affected employee or employees.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

INTERVIEWS – APPOINTMENTS – RESIGNATIONS.

Interviews for Boards and Commissions had been conducted at 6:40 P.M.

Conservation Commission

Councilor Thompson reported she had spoken with Conservation Commission Chairman Harvey Buford and confirmed that Conservation Commission Member Alexis Heitman would be resigning her position.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO ACCEPT THE RESIGNATION OF ALEXIS HEITMAN FROM THE CONSERVATION COMMISSION WITH REGRET.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPOINT ERIN HUNTER TO THE CONSERVATION COMMISSION.

IN FAVOR: Cordone, Kenney, Thompson, Capalbo

OPPOSED: None

ABSTAIN: Buck

SO VOTED

Councilor Buck abstained as he had not been present for Ms. Hunter's interview.

Police Commission

Councilor Buck noted that he had heard comments regarding Mr. Gilmore's residence that he was told he lived in Westerly. Councilor Thompson reported Mr. Gilmore owned property in Hopkinton, Westerly and Florida. Councilor Capalbo stated he lived with his daughter in Hopkinton.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO REAPPOINT STILES GILMORE TO THE POLICE COMMISSION.

IN FAVOR: Cordone, Kenney, Thompson, Capalbo

OPPOSED: None

ABSTAIN: Buck

SO VOTED

Councilor Buck abstained as he had not been present for Mr. Gilmore's interview.

CHARIHO PAYMENT STRUCTURE

Finance Director James Lathrop had requested permission to send a letter to the Chariho Regional School District regarding a change in structure of Chariho payment. Councilor Capalbo felt that it was wise to ask for the change in structure as the Town paid the school payment in advance of the issuance of the check from the State of Rhode Island.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO AUTHORIZE THE FINANCE DIRECTOR TO FORWARD A LETTER TO THE CHARIHO REGIONAL SCHOOL DISTRICT TO REQUEST A CHANGE IN THE STRUCTURE OF THE CHARIHO PAYMENT.

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

OPPOSED: None

SO VOTED

SCHEDULE TOWN COUNCIL WORKSHOP

The Council set February 25, 2008 as the date for a workshop to discuss staff reports on the fiscal condition of the Town and Chariho budgets. The Council

requested Hopkinton’s representative members of the Chariho School Committee be invited to attend the workshop, which will begin at 7:00 P.M.

BUDGET WORKSHOP SCHEDULE

The Council set March 10, March 13 and March 31, 2008 as Town Council budget workshops beginning at 7:00 P.M. The Council requested that the Public Works Department and Police Department be scheduled separately.

CORRESPONDENCE

No correspondence was brought forward.

PUBLIC FORUM

Mr. Marek of Grassy Pond Road reported he had notified the Town Planner who in turn notified the Planning Board Chairperson and Planning Board Solicitor. He warned this matter will become a Town Council issue if the Planning Board did not have the authority to take property by eminent domain.

Dorothy Gardiner of Canonchet Driftway commented about the difficulty William Felkner was having with the Chariho School Committee relating to accountability with expenditures and budgets of the school district and she hoped that he would be afforded the ability to study the numbers and offer his ideas.

Scott Bill Hirst of Maple Court stated that he felt it was crucial for the Chariho School Committee to support a management study. He noted the State of Rhode Island had budget caps that were being reduced every year, but that he did not see the school committee having the will power to reduce their budgets. He felt the school committee must be more accountable.

EXECUTIVE SESSION

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

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO RATIFY THE DEPARTMENT OF PUBLIC WORKS CONTRACT.

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

OPPOSED: None

SO VOTED

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk