

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of July 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, Sylvia Thompson, Thomas Buck, Barbara Capalbo; Town Solicitor Patricia Buckley; Town Manager William DiLiberio; Town Clerk Elizabeth Cook-Martin.  
Absent: Beverly Kenney

The meeting opened with a moment of silent meditation and a salute to the Flag.

**CONSENT AGENDA**

Councilor Buck removed the Town Council Meeting Minutes of June 16, 2008 and the Petition of National Grid for a pole on Amelia Street and Williams Street from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of May 19, 2008; Set July 21, 2008 as a hearing date for a Special Event Permit & Class F Liquor License for Swamp Yankee Days; Accept the following reports: Tax Collector collections to date.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

**SO VOTED**

Councilor Buck questioned Mr. Abbott's comments regarding the Chariho bond found on page 12 of the June 16, 2008 minutes. Councilor Capalbo explained that as Mr. Abbott had served on the Chariho Building Committee and had voted in favor of the building proposal, he had explained to the Council that he felt it would be hypocritical to support sending a letter to the Governor asking him to veto the most recent legislation. She added Mr. Abbott had informed the Council of this as an individual and recommended the minutes be amended to reflect this.

Councilor Buck addressed the National Grid request, whether the purpose of the pole installation was for a street light. The petition indicated that it was not for a street light, but to intercept an existing overhead line to install a switch for reliability.

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF JUNE 16, 2008 AS AMENDED AND THE PETITION OF NATIONAL GRID FOR A POLE ON AMELIA STREET AND WILLIAMS STREET.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

#### **PUBLIC FORUM**

David Mann of Carol Drive stated he wanted to speak not only as a taxpayer and Veteran of WWII - recipient of the Purple Heart, but also as a representative of all Veteran's organizations. He referred to recently passed legislation endorsed by the Town of Westerly to boost Veteran's exemptions that had been introduced by Representative Brian Patrick Kennedy. The Town of Westerly had passed an ordinance to allow an increase in tax exemptions affecting veteran's exemptions, widows and widowers of veterans', disabled veteran's and Gold Star parents. He indicated he had spoken to Representative Kennedy regarding this legislation and requested the Hopkinton Town Council to consider an increase in Veteran's exemptions as well.

#### **TOWN SOLICITOR REPORT**

Town Solicitor Patricia Buckley reported she had reviewed two contracts, prepared an affidavit on a matter for the Public Works Director; dealt with a subpoena received by the Town Clerk pertaining to probate records; handled four open records requests; in regards to a subpoena for records in the Mauti case, she had filed a motion for protective order and was waiting for a ruling; had cleared up some issues with the dispatchers contract; had reviewed the American Tower materials.

In regards to Mr. Mann's statement, Councilor Thompson explained that the Council could not take action on his request. The Council would consult with the Solicitor and the Tax Assessor. The matter would have to be scheduled on a future agenda.

#### **COUNCIL PRESIDENT REPORT**

Town Council President Cordone reported that he had decided not to run for re-election as he would not be able to devote the time to the position. He stated he would try to finish his term and get as much done as possible. Councilor Thompson stated she felt this was sad news. Councilor Capalbo indicated she felt he had run good, civil meetings and was disappointed he was leaving.

Councilor Thompson requested a Town Council email address be established. She will speak to Mr. DiLibero about this matter.

#### **TOWN MANAGER REPORT**

Town Manager William DiLibero reported he had been working to address staffing levels for the police and dispatchers and had attended a meeting with police staff; had prepared a letter in regards to the discontinuation of Town Council Meeting coverage by Cox Communications and had spoken with Dias Esposito at Rhode Island PBS. Mr. DiLibero stated at this point the Town would have to find a volunteer to film the meetings because the agency would no longer be employing personnel to tape the meetings. Councilor Capalbo suggested asking the school department if they could film the meeting through their video department. Councilor Thompson questioned what sort of training was involved. Mr. DiLibero responded the equipment would have to be set up and operated.

Mr. DiLibero stated he had processed a couple of open records requests; met with the Senior Center Manager regarding senior enrollment, which had increased and had responded to concerns received from homeowners in Ashaway and Hope Valley areas.

Councilor Thompson questioned if an EAP had been submitted by the July 1, 2008 deadline. Mr. DiLibero responded he would check with Emergency

Management Agency Director Michael Oceau. Councilor Thompson noted that it was hurricane season and questioned what preparations were being made.

Councilor Capalbo stated the One Call Now notification system should be involved and questioned the time frame that it might be in operation. Mr.

DiLibero noted the One Call Now organization would have to contact residents for information. He stated he would forward some informational material received from Mr. Oceau to the Council.

## **OLD BUSINESS**

### **TOWN BILLS**

Councilor Capalbo questioned the Roger Williams University invoice found on page 12 and stated she thought reimbursement tuition was to be going away. Mr.

DiLibero stated a change had been proposed, but it did not change. Councilor

Capalbo questioned what the Southern RI Conservation invoice was for found on page 13, whether it was a donation. Dorothy Gardiner of Canonchet Road and a

member of the Conservation Commission was present and noted their commission did have water testing done, so the invoice may be for that purpose. Mr. DiLibero

stated he would follow up and speak with Conservation Commission Chair

Harvey Buford. Councilor Capalbo felt this invoice should be held, she did not

feel the Conservation Commission should make contributions, any contributions should go through the Council.

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH NO ADDITIONS OR DELETIONS, HOLDING THE \$150.00 SOUTHERN CONSERVATION INVOICE FOR AN EXPLANATION.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

### **TAX COLLECTOR REQUEST:**

This request to adjust off the following year's motor vehicle, tangible and personal property as uncollectible: 1996 supplemental and town, 1997, 1998,

1999, 2000; and 1996 through 2000 addendum rolls had been continued from the May 19, 2008 Town Council Meeting.

Tax Collector Rita Deane was present. She stated this request was an accounting procedure and explained accounts deemed uncollectible were charged off to profit and loss. She stated that if a person who owed taxes came back to Town, the outstanding taxes would be collected if it were for a motor vehicle. Councilor Capalbo confirmed with Mrs. Deane that these years being written off did not include any real estate. Mrs. Deane was questioned why there had been a supplemental tax in 1996 and she responded that this was the year of the shut-down when two bills, one for the Town and one for the School, had to be sent out.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO GRANT THE REQUEST OF THE TAX COLLECTOR TO ADJUST OFF THE FOLLOWING YEAR'S MOTOR VEHICLE, TANGIBLE AND PERSONAL PROPERTY AS UNCOLLECTIBLE: 1996 SUPPLEMENTAL AND TOWN, 1997, 1998, 1999, 2000; AND 1996 THROUGH 2000 ADDENDUM ROLLS.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

#### **PROPOSED GRAVEL BANK ORDINANCE**

The Council set August 7, 2008 as a date for a workshop regarding the draft Gravel Bank Ordinance.

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

The Town Council selected three possible dates: July 14, 16 and 23, 2008 for a second workshop on this ordinance amendment. The Affordable Housing Partnership (AHP) had requested a postponement in advertising the amendment, allowing time for the AHP to study the amendment. AHP member Jared Rhodes was present. He reported the AFP would be reviewing this ordinance amendment on August 5, 2008. Council President Cordone recommended the members of the

Affordable Housing Partnership attend the Town Council workshop which would occur prior to that date.

A consideration to reschedule the July 21, 2008 hearing date on the residential family compound ordinance amendment, to August 4, 2008 was postponed.

**NEW BUSINESS**

**INTERVIEWS – APPOINTMENTS – RESIGNATIONS:**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO APPOINT JOSEPH ESCHER AS PLANNING BOARD ALTERNATE.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

**CASH FLOW:**

Finance Director James Lathrop had provided a memorandum to the Town Manager in regards to existing cash flow problems. Mr. Lathrop was seeking permission to move forward with a tax anticipation note; for direction from the Council regarding the Land Trust bond anticipation note; and whether the Council would like him to pursue solutions to reduce the Town's dependence on short term borrowing. Mr. Lathrop was present.

**Request To Obtain Tax Anticipation Note**

Mr. Lathrop stated with the Town of Richmond and the Town of Charlestown objecting to the payment change requested by Hopkinton of the Chariho School District, the Town would experience a cash flow problem in September and March as the Town pre-paid its bills and collected taxes in arrears creating a shortfall. He stated he would like to obtain a tax anticipation note (TAN) for a seven to nine month period and had spoken to Webster Bank and the Washington Trust Company. He reported there would be a \$9,000.00 to \$10,000.00 cost to borrow the funds. Councilor Capalbo questioned when State Aid to Education funds were received by the Town. Mr. Lathrop stated the 28<sup>th</sup> of the month and that Chariho was paid the first day of the month. Councilor Capalbo commented that many people were slow in paying due to the state of the economy. She

suggested that if the Chariho School District did not mind, could the Town send a late payment. Mr. Lathrop responded that the Chariho payment was withdrawn at the first of the month. Councilor Thompson questioned if there would be repercussions if the Town wanted a delay in payment for September. Solicitor Buckley stated that would be a breach of contract. Mr. Lathrop did not recommend that avenue as it set a bad precedent. Council President Cordone did not support a late payment. He stated if the Town had a bill, the Town had to pay it. He asked if the Town borrowed the funds, would the Town pay it off in one lump sum. Mr. Lathrop responded, yes. Councilor Thompson commented that eventually the Town of Richmond would have to obtain a TAN as well. Mr. Lathrop stated the problem was because the Town of Hopkinton had a small fund balance. Scott Bill Hirst of Maple Court stated there may be historical precedent already set as the Town of Charlestown had supposedly missed a payment years ago, and suggested the Council may want to research it. He stated there may be a flaw in the Chariho Act about paying the bills that should be corrected. Councilor Thompson commented the Chariho surplus would be in the millions. Councilor Capalbo questioned Mr. Lathrop about when he would need to obtain the TAN. Mr. Lathrop stated he would need to get started now as finances would be difficult in September.

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE FINANCE DIRECTOR TO OBTAIN A TAX ANTICIPATION NOTE IN THE AMOUNT OF \$500,000.00.

IN FAVOR: Cordone, Buck, Capalbo

OPPOSED: Thompson

SO VOTED

**Land Trust BAN**

Mr. Lathrop questioned if the Council would like the Land Trust's bond anticipation note (BAN) to be rolled over into another BAN or to convert it into a bond. He felt it was a good time to lock into current interest rates but was aware the Land Trust would be seeking additional funding options. Mr. DiLibero stated

he did not expect the Land Trust to pursue that until June 2009. Councilor Capalbo stated she supported the BAN conversion to a bond.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE FINANCE DIRECTOR TO CONVERT THE LAND TRUST BOND ANTICIPATION NOTE (BAN) INTO A BOND.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

The Council stated they welcomed the Finance Director's suggestions on possible solutions to the cash flow situation.

**AMERICAN TOWER REQUEST TO SUBLEASE**

Solicitor Buckley stated USA Mobility and Youghioghenny were seeking to sublease space where American Tower has been leasing space on the communication tower located on the Public Works parcel at 395 Woodville Road. They were seeking space to locate three antennas as well as a 6' x 6' area and 9' x 9' area on the ground for cabinets. She stated under the lease agreement they were still obligated to make their rental payment to the Town and would be subject to mechanical approvals in the Building & Zoning Office and the approval of the Public Works Director. Councilor Buck expressed concern whether it would affect the Town's radio frequency. Solicitor Buckley noted the Council's approval did not mean that they would be able to go ahead. They would need the appropriate permits from the Building & Zoning Office and the involvement of the Public Works Director.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE CONSENT TO SUBLEASE TO USA MOBILITY AND YOUGHIOGHENY WITH THE FOLLOWING CONDITIONS: A). LESSEE WILL REMAIN RESPONSIBLE FOR THE PERFORMANCE OF ALL OBLIGATIONS UNDER THE LEASE; B). LESSEE MUST OBTAIN ALL NECESSARY BUILDING PERMITS AND

APPLICABLE APPROVALS PRIOR TO CONSTRUCTION; AND, C). ANY TOWER AND GROUND SPACE SUBLEASED BY THE LESSEE MUST BE WHOLLY WITHIN THE LEASED PREMISES.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

**AUDITING FIRM ENGAGEMENT LETTER**

Councilor Thompson questioned if this would be the last contract with this firm. Town Manager William DiLibero responded in the affirmative, that this was a three year contract and had served as Town Auditor for the past three years.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO AUTHORIZE THE TOWN MANAGER TO SIGN THE ENGAGEMENT LETTER WITH AUDITING FIRM BACON & CO.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

**CORRESPONDENCE**

Councilor Thompson recommended the Council take notice of the Finance Director's next surplus and deficit report to the Chariho Regional School District.

**PUBLIC FORUM**

Scott Bill Hirst questioned if the Town Council had heard any news on whether the Governor had done anything with the Chariho bonding referendum legislation and was told that the Senate had not yet transmitted the bills to the Governor.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ENTER INTO EXECUTIVE SESSION UNDER RIGL 42-46-5A (2) COLLECTIVE BARGAINING – DISPATCHERS CONTRACT.

POLL VOTE:

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

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

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO RATIFY THE DISPATCHERS CONTRACT.

IN FAVOR: Cordone, Thompson, Buck, Capalbo

OPPOSED: None

SO VOTED

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk