

State of Rhode Island

County of Washington

In Hopkinton on the third day of March 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 BUCK TO SIT AS A LICENSING BOARD.

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

OPPOSED: None

SO VOTED

COMMERCIAL HAULERS LICENSE RENEWALS

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

Mike Micklich, 293 Spring Street, Rockville, RI 02873. Mr. Micklich was present. The application and filing fees had been received and notice had been posted.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE COMMERCIAL HAULERS LICENSE FILED BY MIKE MICKLICH.

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

The Executive Session Minutes of February 19, 2008 were removed from the Consent Agenda as they were not final form for consideration.

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

FOLLOWS: Accept the following report: Chief of Police.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Ray Cox of Main Street reported he had been bitten by a cat over the weekend, leading to an infection and a few days hospitalization and he wanted the Council to be aware that the Animal Control Official Nancy Meissner had been on top of the situation, stopping in to see him to make sure he was alright. He stated he wanted the Council to be aware of how good a person Ms. Meissner was.

TOWN SOLICITOR REPORT

Town Solicitor Patricia Buckley reported she had forwarded letters to the two commercial haulers with responses from the haulers to the letters; had dealt with two subpoenas issued to Town employees and had been dealing with other privileged matters. She commented that her high holy day would occur on March 17, 2008, St. Patrick's Day.

COUNCIL PRESIDENT REPORT

Council President Cordone reported the Chariho School District budget hearing was scheduled for March 4, 2008 at 7:00 PM in the Middle School Auditorium. Councilor Capalbo noted that the Westerly Sun erroneously listed the date as March 5, 2008. Council President Cordone reported the Presidential Preference Primary would also be held March 4, 2008, with voting to take place at the Town Hall from 9:00 AM to 9:00 PM. He reported three budget workshops had been set for March 10, 13, and 31, 2008 with a tentative schedule for all departments, split between March 10 and 13, 2008. He requested the Town Manager to spread the

departments out over the three dates. Council President Cordone noted that he had a version of the proposed budget and that the Finance Director had a version of the proposed budget, which he stated contained an error in the GIS/IT budget, each version had its own projected estimated increases. He encouraged people to attend the budget workshops.

TOWN MANAGER REPORT

Town Manager William DiLibero reported he had been dealing with a number of personnel-related matters; reported a trial run for the Municipal Court was set for March 14, 2008 and that traffic tickets were coming in; received requests for the use of Town vehicles from Town departments and were pending a decision; received a request for tax stabilization from Hopkinton Industrial Park; that the draft FY 08/09 budget could be found on the Town's website; had attended a meeting with the developers regarding their proposal for Exit 2 which hinged on legislation allowing for tax credits for film studios being approved; that the RI Town Managers Association had met with Senator Paiva Weed on February 29, 2008 to discuss State and local budgets.

Councilor Capalbo thanked Mr. DiLibero for placing the proposed budget on the Town's website.

OLD BUSINESS

TOWN BILLS

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.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

INTERVIEWS – APPOINTMENTS – RESIGNATIONS:

The Council authorized the Town Clerk to advertise all Board and Commission vacancies as an individual had expressed interest in being reappointed to a position on the Police Commission as well as another Board. The Town Charter

indicates that a person could not serve on two boards. If there is no interest after advertising the positions, the Council can then consider the re-appointment.

Board of Canvassers

A letter had been forwarded to the Republican Town Committee Chairperson Kenneth Mott after Glenna Crowell resigned from the Board of Canvassers. Mr. Mott contacted the Town Clerk to request Sandra Johansen as the Republican representative to the Board of Canvassers. Mrs. Johansen had been interviewed by the Town Council.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO APPOINT SANDRA JOHANSEN TO THE BOARD OF CANVASSERS.

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

OPPOSED: None

SO VOTED

Historic District Commission

There are vacancies on the Historic District Commission (HDC) at present. Mr. Devin had responded that he wished to continue on the HDC and been interviewed by the Town Council.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO APPOINT CARL DEVIN TO THE HISTORIC DISTRICT COMMISSION.

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

OPPOSED: None

SO VOTED

NON-CONFORMING DEVELOPMENT ORDINANCE AMENDMENTS

Two ordinance amendments to Section 8 Non-conforming development and Section 13 had been introduced and were being sponsored by Councilor Thomas Buck. Councilor Thompson requested an explanation of the amendments. Councilor Buck explained that the Zoning Board of Review had been backlogged by a number of applications dealing with non-conforming development. He stated

there was a section in the zoning regulations that authorized the zoning official to administratively grant modifications. These amendments would allow up to a 25% variance without having to go to the Zoning Board. He noted there had been instances when the Zoning Board had met for long hours and there were times they were unable to get to an applicant, so their matter had to be carried over.

The Council set April 7, 2008 as a hearing date for ordinance amendments to Section 8 Non-conforming development and Section 13, introduced and sponsored by Councilor Thomas Buck.

TAX STABILIZATION REQUEST - HOPKINTON INDUSTRIAL PARK

The Council set April 7, 2008 as hearing date regarding a tax stabilization request filed by Hopkinton Industrial Park.

Patricia Fontes of Lawton Foster Road questioned how the tax stabilization request would work. Council President Cordone responded that those questions should be asked during the hearing.

2008 HOUSE & SENATE BILLS RE: LOW-MODERATE INCOME HOUSING

Councilor Capalbo had requested discussion on pending House Bills and Senate Bills relating to Low-Moderate Income Housing introduced during the current legislative session. Those bills included:

H 7486 – This act would remove the requirement that low and moderate income housing be subsidized by federal, state or municipal government programs, which would result in expanding the number of housing units used to determine whether or not a community has met its low and moderate income housing requirements;

H 7591 – This act would limit eligibility for low and moderate income housing to those who legally reside in the state of Rhode Island;

H 7486 – This act would remove the requirement that low and moderate income housing be subsidized by federal, state or municipal government programs, which would result in expanding the number of housing units used to determine whether or not a community has met its low and moderate income housing requirements;

H 7235 – This act would authorize and accessory family dwelling unit in a sing-

family residence as a reasonable accommodation for family members with disabilities.

Councilor Buck expressed concern with Accessory Family Dwelling Units in regards to what happened to them once the family member they were constructed for moved on or in the event the home was sold. He reported the Zoning Board of Review was also attempting to tackle that issue. Councilor Capalbo stated with the population aging, reasonable accommodations would have to be made and this issue would have to be addressed. Councilor Buck stated he was aware that a homeowner with an accessory family dwelling unit was required to recertify the status of the accessory unit, but questioned whose responsibility it was and expressed concern that the Town would end up with a number of illegal apartments after the property was sold.

S 2697 – This act would authorize an accessory dwelling unit in a single-family residence as a reasonable accommodation for family members with disabilities;

S 2193 – This act would require that year-round mobile homes be included in year-round housing units and rented year-round mobile homes be included in year-round rental housing units for purposes of determining the need for low and moderate income housing units;

S 2105 – This act would provide a housing bonus to school districts to offset increased education expenses resulting from the development of low or moderate income housing units. The amount of the bonus would be in the amount of \$1,250.00 for each unit - This act would also allow cities and towns to assess an impact fee for the impact on education resulting from low and moderate income housing construction;

S 2106 – This act would allow cities and towns to assess an impact fee for the impact on education resulting from low and moderate income housing construction.

Mr. DiLibero noted that many pieces of legislation never make it out of committee. Councilor Capalbo indicated she would be interested in sending a letter in support to some of these pieces of legislation regarding low and moderate

income homes, noting that part of the trouble was that unless they were subsidized, they would not count. She stated the Town may already have 40% to 60% low and moderate income homes already. She suggested the Zoning Board and Planning Board review the proposed legislation and provide the Council with some feedback or a recommendation.

Hazel Douthitt of Cedar Drive and a Planning Board Member reported she had attended a meeting held by a State representative regarding low and moderate income housing and that one standard required that a person had to work in Hopkinton. She stated she had suggested they consider a 30-mile radius. She noted that another standard to qualify was that the person had to be a teacher, police officer or fireman, but that these were not subsidized and she felt this to be contradictory, but she could not get an explanation that made sense. She felt they were trying to make rules and regulations for those in a particular bracket were supposed to buy a house that was subsidized. Mr. DiLibero commented that what was targeted was median family income under \$60,000.00 which could be classified as a subsidy.

The full version of each bill will be sought and distributed to the Town Council for review as well as the Building/Zoning Official, Zoning Board, Town Planner and Planning Board for review and comment before they go come back before the Town Council.

LETTER TO CHARIHO SCHOOL DISTRICT RE: SURPLUS FUNDS

Councilor Thompson had prepared two versions of letters to be forwarded to the Chariho School Committee for the March 4, 2008 Chariho School District budget hearing. She stated she felt it would be a good idea to place what had been discussed during the February 25, 2008 Council workshop held with Hopkinton's representative members of the Chariho School Committee, in writing. She had distributed the two versions of the letters to the Council and explained the first version included the history of what had been proposed dating back to the January 2008 Omnibus Meeting with the Superintendent Ricci presenting a budget for 2009 that recommended a grand total of \$2,343,400.00 for district-wide repairs.

Since that time residents had requested the school committee to fund these repairs from the accumulated surpluses, reducing the amount the member Towns would have to pay and decrease the bottom line. But when the school committee applied \$932,000.00 from the surplus to the capital account, it only decreased the amount the Towns had to pay by \$234,000.00 and that was because the school committee decided to include repairs the superintendent recommended for 2010, 2011 and 2012. This letter recommended the amendments to the budget would flat line the total member Town's contributions to \$48,269,311.00 and would be achieved without any cut in services. The second version proposed a 1.06% increase. Council President Cordone preferred the first version, Councilor Capalbo, Councilor Kenney and Councilor Buck preferred the second version of the letter. It was the consensus of the Town Council to select the second version of the letter and that all Town Council members will sign the letter. This letter will be submitted to the Chariho School Committee during the Chariho Budget Hearing on Tuesday, March 4, 2008. This letter is addressed to William Day, Chairman of the Chariho School Committee and reads as follows:

“As you know, the Hopkinton Town Council has been reviewing the Chariho budgets and audits. At our meeting March 3, 2008 the council authorized the submission of this letter. Municipal tax revenues received during the year vary in amount and timing. Therefore, Hopkinton must retain a substantial unrestricted fund balance in order to avoid short-term borrowing when the Chariho monthly bill is due. In contrast, Chariho does not receive its revenue directly from tax receipts. Its primary source of revenue is derived in monthly payments from the three member towns. Therefore, the school only need retain an unrestricted fund balance for emergency purposes, and according to your school committee fund balance model this amount should not be less than \$680,000.00. Each year increased spending at the school has led to increases in the amount each town pays with corresponding increases in taxation. However, in fiscal year 06 and 07, the school ended up with a combined surplus of over \$5.6 million and a fund balance of over \$6.85 million. At the January Omnibus meeting, Superintendent Ricci presented a budget that recommended a grand total of \$2,343,400.00 for district-wide repairs. Since then residents have requested the school committee fund these repairs from the accumulated surpluses, which would reduce the amount the towns must pay. Since that meeting, the school committee has had the opportunity and the available surplus, to reduce the impact on the taxpayers. However, when they applied \$932,000.00 from the surplus to the capital account, it only decreased the amount the towns must pay by \$234,000.00. This occurred because the committee increased the capital reserve account from the \$2.343 million to over \$3 million in order to include repairs the superintendent had planned for 2010,11 & 12 be done in this budget. Rhode Island is in the midst of a financial crisis. Businesses are laying off employees or closing. Residents throughout the district are struggling to pay bills and many are living paycheck to paycheck. This is not the time to raise taxes especially when it can be avoided. Since the surplus funds very existence was derived through taxation, we believe it is wrong to tax again for funds you already have. Therefore, the Hopkinton Town Council requests the Chariho School Committee to amend the proposed budget as follows: Apply an additional \$820,000.00 of the remaining \$1.5 million in surplus to further offset the capital reserve budget. This will allow \$680,000.00 to be

retained for emergencies, as recommended in your own fund balance model. This amendment to the budget would decrease the Capital Reserve amount from the proposed \$1,509,400.00 to approximately \$689,400.00 which ultimately decreases \$820,000.00 from the member town's contribution total".

CORRESPONDENCE

Councilor Capalbo stated she would be interested in attending the May 15, 2008 Richmond Senior Center Meeting; she noted the RI Department of Environmental Management was currently accepting applications for summer employment for open seasonal positions.

PUBLIC FORUM

Scott Bill Hirst of Maple Court reported the passing of Chester Perkins of Connecticut, the uncle of finance office employee Agnes Hall; reported he would be voting against the proposed Chariho budget as the school committee had decided against funding a management study and for a number of other reasons and noted the budget caps would be decreasing each year. He commended the efforts of Chariho School Committee members George Abbott and William Felkner.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk