

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of May 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.

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

### **HEARINGS**

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

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

OPPOSED: None

SO VOTED

### **SPECIAL EVENT PERMIT**

The Council opened a hearing on an application for a Special Event Permit for Huck Finn Day filed by the Ashaway Sportsman's Club scheduled for Sunday, June 1, 2008 from 8:00 AM to 5:00 PM at Crandall Field.

Recreation Director Mary Sawyer acted as the applicant's representative. The application was complete and a waiver of the filing fee was requested. It was noted that this event was in its 60<sup>th</sup> year.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR BUCK TO APPROVE THE SPECIAL EVENT PERMIT REQUEST FOR THE ASHAWAY SPORTSMAN'S CLUB FOR HUCK FINN DAY SCHEDULED FOR SUNDAY, JUNE 1, 2008 FROM 8:00 AM TO 5:00 PM AT CRANDALL FIELD, GRANTING A WAIVER OF THE FILING FEE.

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

OPPOSED: None

SO VOTED

**CLASS A LIQUOR LICENSE TRANSFER**

The Council opened a hearing on an application for the transfer of a Class A Liquor License from C. Alanson Vars, 82 High Street, Ashaway, RI 02804, for property identified as The Village Place located at 999 Main Street, Hope Valley, RI 02832 transferring to Village Place, LLC, Edwin L. Russell of 5 Ninigret Avenue, Watch Hill, RI 02891 and Susan McDonald of 95 Main Street, Ashaway, RI 02804.

Attorney Joseph Shekarchi was present representing Mr. Vars. Also present: C. Alanson Vars, Edwin Russell and Susan McDonald. The Town Clerk reported the filing fees and advertising fees were pending, notice had been posted.

Attorney Shekarchi stated any outstanding vendor fees would be paid at the closing, which was pending the liquor license transfer. He requested the Council approve the transfer subject to the liens being paid in full. Council President Cordone noted an inspection had not been conducted by the Building & Zoning Official, but that the Hope Valley-Wyoming Fire District had completed and approved a fire inspection. Councilor Capalbo referred to the objection to the transfer filed by McLaughlin and Moran and questioned if the indebtedness affected the proposed transfer. Solicitor Buckley responded that a determination of whether or not the McLaughlin and Moran bill was disputed was needed. If the bill was not disputed, the statute says the license could not be transferred. She suggested the Council hold off on the transfer until the indebtedness was released, the amount of \$17,671.29 was owed to McLaughlin and Moran. Attorney Shekarchi thought the amount in question was \$17,023.00, but made assurances the outstanding McLaughlin and Moran fees would be paid in full, as well as any other party owed money. Solicitor Buckley advised the Council to require a release by McLaughlin and Moran once the bill was paid in full.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR KENNEY TO APPROVE THE TRANSFER OF A CLASS A

LIQUOR LICENSE FROM C. ALANSON VARS FOR PROPERTY IDENTIFIED AS THE VILLAGE PLACE LOCATED AT 999 MAIN STREET, HOPE VALLEY, RI 02832 TRANSFERRING TO VILLAGE PLACE, LLC, EDWIN L. RUSSELL AND SUSAN MCDONALD SUBJECT TO THE PAYMENT OF ALL INDEBTEDNESS, A RELEASE FROM MCLAUGHLIN AND MORAN AND AN APPROVED INSPECTION BY THE BUILDING & ZONING OFFICIAL.

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

OPPOSED: None

SO VOTED

Councilor Thompson congratulated Mr. Vars on his retirement, paying tribute to many years of success as a local businessman.

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

**TOWN OF HOPKINTON RECOGNITION - RI BLOOD CENTER.**

Jennifer Segal from the RI Blood Center was in attendance. She presented the Town with a framed print by Dineen Ragosta as a gift in recognition of five years of holding blood drives at the Crandall House Activity Center. She expressed her thanks to the Town.

**CONSENT AGENDA**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of April 7, 2008, Special Town Council Meeting Minutes of April 7, 2008; Executive Session Minutes of April 7, 2008; Town Council Meeting Minutes of May 5, 2008; Special Town Council Meeting Minutes of May 6, 2008; Executive Session Minutes of May 6, 2008; Accept the following reports: Town Clerk, Meal Site Manager, Tax

Assessor – which includes abatements & supplements, Tax Collector – which includes adjustments.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Scott Bill Hirst of Maple Court stated he had testified before the House Finance Committee regarding the proposed Chariho bonding bill; he noted that there had been public personal attacks directed at him and the Hopkinton Town Council President by the Richmond Town Council President and Chariho School Committee Chairman. He felt issues should transcend personal attacks and they should stick to trying to resolve the long standing issues of the district.

**TOWN SOLICITOR REPORT**

Town Solicitor Patricia Buckley reported work had been continuing on the dispatcher's contract which was near completion; was preparing a response to an open records request from the Westerly Sun. In regards to the compilation of the Chariho Act, Solicitor Buckley reported there were no real significant disputes, only minor issues between the three Chariho Town's Solicitor and the Chariho Solicitor as to what constitutes the Chariho Act. She stated it was not difficult to compile the few amendments since 1958, but it was a tedious process. Councilor Kenney thanked Solicitor Buckley for her efforts compiling the Chariho Act. Councilor Buck questioned if this version would be a working copy of the Act. Solicitor Buckley responded yes, barring any minor problems, she stated footnotes had been added in some sections. She stated there had been no major issues or disputes at all. Councilor Capalbo referenced the two paragraphs in Section 4 were included in the copy. Solicitor Buckley stated yes, the issue was whether the two paragraphs should be in or out of the Act.

**COUNCIL PRESIDENT REPORT**

Council President Cordone reported the proposed budget had been finalized on May 13, 2008 and noted the budget referendum was set for June 10, 2008 at the Town Hall from 7:00 AM to 9:00 PM; reported he had attended a meeting of the House Finance Committee regarding the resubmission of the Chariho bond where

he shared his views and felt it had been a good experience. In regards to personal comments made about him during a Richmond Town Council Meeting, he stated he wanted to see the video tape for himself. He felt that commenting on a person's misfortune was hitting below the belt and felt that a person should never poke fun at the expense of another. He reported he had attended a Saturday morning meeting regarding the Chariho bond, arranged by Councilor Buck and as a result he would not support resubmission of the bond because the alternative funding formulas offered as options to those present, were not considered.

### **TOWN MANAGER REPORT**

Town Manager William DiLibero reported work had been continuing on the dispatcher's contract; had prepared correspondence of support regarding the proposed motion picture tax credit bill and prepared correspondence to the House Finance Committee in support of retirement reform; noted the proposed regulations for small water systems from the PUC related to the number of users on a shared water system could create a problem for development at exit 1, which would need to be addressed. He stated he wanted to recognize Agnes Hall, Jim Lathrop, Sherri Miller, Ree Rathbun and Mary Sawyer as participants in the Shape-Up Rhode Island Health initiative and stated the team placed 95 out of 778 for weight loss, 89 out of 919 for hours exercised and 468 out of 1063 for pedometer steps. He stated it had been nice to see people out at lunch walking.

Councilor Capalbo reported she had attended the May 16, 2008 meeting held at the Richmond Senior Center where various issues involving seniors, one of them being transportation, were discussed. She stated on Hopkinton's website there was a page for seniors with various contact names and phone numbers, as well as information on programs and tax relief.

### **OLD BUSINESS**

### **TOWN BILLS**

Councilor Buck asked for an explanation of the Verizon Wireless bill found on page seven of the bill list that listed two amounts totaling \$458.12. Mr. DiLibero stated this bill split the cell phone costs for the Town Manager - \$108.55 and Police Department - \$350.57. He explained the \$108.55 charge was to allow him

to receive emails through his cell phone, only for the time he was away. The police department portion of the bill was for internet access in the patrol cars.

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

**RESCHEDULE WORKSHOP RE: DRAFT RESIDENTIAL FAMILY COMPOUND ORDINANCE**

The Council rescheduled the May 22, 2008 Town Council-Planning Board Joint Workshop regarding the draft Residential Family Compound Ordinance to Wednesday, June 11, 2008.

**CDBG COORDINATOR REQUEST RE: WASTEWATER MANAGEMENT PLAN**

Community Development Block Grant (CDBG) Coordinator Geoffrey Marchant was present seeking authorization to complete the Wastewater Management Plan. Mr. Marchant's letter explained that completion of the plan would allow the Town to be eligible to receive funding from the Clean Water Finance Agency for the Community Septic System Loan Program, which provides funds at 0% interest to municipalities who have a DEM approved waste water management plan, which can be made available to homeowners whose septic system has failed with loans at 2% interest regardless of income. Having the DEM approve a waste water management plan could be as uncomplicated as a mailing of information to residents on how to maintain septic systems or as involved as requiring septic inspections and pump outs. In August 2002, \$75,000.00 grant had been awarded to the Town's of Hopkinton, Exeter and Richmond with a bid awarded to Stone Environmental in the amount of \$41,130.00, of that \$14,233.41 had been expended leaving a balance of \$60,766.59. A \$10,000.00 settlement payment was made to cancel their contract, leaving a balance of \$50,766.59. Mr. Marchant required Council permission in order to request an extension of the DEM and to begin a request for qualifications procedure.

Mr. Marchant stated the Town's waste water management ordinance could be rolled into the process. Council President Cordone stated he was in favor of completing the plan as it the State would bear much of the cost. Mr. Marchant stated there was \$50,766.59 funding left from the DEM grant and an \$18,000.00 match was required. It may be possible to also use the \$10,000.00 settlement money as a match. He noted volunteer time could be used as an in-kind match and when this process began in 2002 time sheet information had been drawn together. He indicated he could pull together this data again for use to finalize the plan. Councilor Capalbo expressed support to the effort as it would serve to educate the Towns residents. Councilor Thompson supported using the in-kind match for previous work completed. Mr. Marchant expected that it would be reimbursable as well as volunteer hours spent on the project and staff time. He stated there was \$10,000.00 in CDBG funds available. Councilor Thompson felt the plan should start off simple and would like to see the funds made available to residents for low interest loans. Mr. Marchant stated he would prepare the scope of work and would include of the educational materials on how to monitor septic systems.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE CDBG COORDINATOR GEOFFREY MARCHANT TO MOVE FORWARD WITH THE COMPLETION OF A SIMPLE WASTE WATER MANAGEMENT PLAN, INCLUDING EDUCATIONAL MATERIALS ON SEPTIC SYSTEMS FOR RESIDENTS, UTILIZING IN-KIND VOLUNTEER HOURS AS PART OF THE MATCHING FUNDS.

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

OPPOSED: None

SO VOTED

**NEW BUSINESS**

**INTERVIEWS – APPOINTMENTS – RESIGNATIONS**

Interviews for Boards and Commissions were conducted at 6:30 P.M.

**STREET LIGHT REQUEST**

A street light request for Newberry Lane had been forwarded to the Council by the Public Works Director for consideration. Public Works Director Doug Reese recommended approval of the street light and three residents had signed the petition in support of the street light.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO GRANT THE REQUEST FOR A STREET LIGHT ON NEWBERRY LANE AS RECOMMENDED BY THE PUBLIC WORKS DIRECTOR.

IN FAVOR: Cordone, Kenney, Buck, Capalbo

OPPOSED: Thompson

SO VOTED

**REQUESTS OF TAX COLLECTOR:**

Tax Collector Rita Deane had forwarded two requests to the Town Council for their consideration: To adjust off Motor Vehicle and Tangible accounts of taxpayers, late, of Hopkinton and 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 thru 2000 Addendum Rolls.

Councilor Buck asked what adjusting off the accounts of deceased taxpayers would do and questioned whether the amounts owed should come out of a person's probate. Mr. DiLibero responded that there were times when a person had no assets that required a probate procedure. Councilor Thompson noted there was no explanation or details in the Tax Collector's requests. Councilor Capalbo questioned the whereabouts of the vehicles. Mr. DiLibero responded the vehicles had probably been disposed of or transferred. He stated the second request to adjust off the 1996 through 2000 accounts as uncollectible was for motor vehicles, tangibles and personal property. He noted no real estate was included in either request. Councilor Buck expressed concern over the \$74,493.88 amount to be adjusted off. Solicitor Buckley commented that if Tax Collector Rita Deane determined these accounts to be uncollectible, then they were, because no one collected better than Mrs. Deane. Mr. DiLibero noted the most recent account was

eight years old. Councilor Thompson stated she would like an explanation from Mrs. Deane. Councilor Thompson questioned what recourse the Town had if an individual whose account had been adjusted off came back to Town. Finance Accounting Clerk Agnes Hall was present and stated it was usually smaller amounts that were owed on motor vehicles and tangibles, and added that Mrs. Deane did a good job collecting, but she must have deemed these accounts as uncollectible. She explained that if a person who owed the Town money moved back to Rhode Island to register a car, the taxes would be collected, so there was recourse. Councilor Buck questioned if the debt was tied to the vehicle or the person. Mrs. Hall responded to the person. Councilor Thompson stated she would want to know the meaning and consequence of granting the requests, if the requests were for bookkeeping purposes. Councilor Capalbo noted the amounts were consistently around \$14,000.00 per year and questioned if there was a way to decrease the amount and track it down sooner. Mrs. Hall noted that the Rossi Law Firm had been used in the past to track certain accounts but the real estate was taken care of through the tax sale process.

**1. Adjust off Motor Vehicle & Tangible accounts of taxpayers, late, of Hopkinton**

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR CAPALBO TO ADJUST OFF MOTOR VEHICLE AND TANGIBLE ACCOUNTS OF TAX PAYERS, LATE, OF HOPKINTON.

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

OPPOSED: None

SO VOTED

**2. Adjust off the following year's Motor Vehicle, Tangible & Personal Property as uncollectible: 1996 Supplemental & Town, 1997, 1998, 1999, 2000; and 1996 thru 2000 Addendum Rolls**

The second request was tabled to a future agenda for further information from the Tax Collector.

**SENATE BILL 2650**

The Council considered sending a letter to legislators regarding Senate Bill 2650 which would alter school education funding. The Council felt this bill would be disastrous to the Towns in Washington County and the complex legislation would create a twelve million dollar shortfall that would cripple the Town. The Council

authorized the Town Clerk to send a letter to Senator Kevin Breene and Representative Brian Kennedy opposing Senate Bill 2650.

**COUNCIL CONTINGENCY DONATION**

This matter was before the Council to consider authorizing \$500.00 from Council Contingency to Gordon Greene Post No. 27 American Legion for 2008 Memorial Day Parade.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR KENNEY TO AUTHORIZE \$500.00 FROM COUNCIL CONTINGENCY LINE ITEM #5065-001 TO THE GORDON GREENE POST NO. 27 AMERICAN LEGION FOR THE MEMORIAL DAY PARADE.

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

OPPOSED: None

SO VOTED

**CORRESPONDENCE**

Councilor Thompson noted the hearing on the movie studio tax credit legislation had been continued to May 21, 2008 at 5:00 PM.

Mr. DiLibero referenced the Tax Collectors memo and spread sheets regarding the percent of collection for real property/motor vehicles for the years 2000 through 2006. He pointed out that this year the uncollected balance had been increased by \$50,000.00 and the collection rate had been bumped up in order to get closer to a balance of uncollected taxes in future years. Councilor Capalbo stated she hoped the additional hours placed in the Tax Collector's department would free up Mrs. Deane's time to allow her to deal with the most severe cases involving collections.

**PUBLIC FORUM**

Patricia Fontes of Lawton Foster Road stated she had recently received documents regarding American Kuhne and that there was no aquifer protection permit. She stated she had raised this question late last year and that Councilor Capalbo had asked the Town Manager to determine if American Kuhne would apply for one as a good will effort. Ms. Fontes felt the lack of an application

meant that American Kuhne had refused Mr. DiLibero's request. Mr. DiLibero stated a best management practices work plan was pending. Ms. Fontes felt American Kuhne's preparation of a best management practices work plan was an admission that there were hazardous materials on site but that she would wait to see the approved plan. She again noted her objection to the category change from 341 to 508 and that during exit 1 planning meetings there had been discussions on changing certain categories in a manufacturing zone to require a special use permit which she supported. Mr. DiLibero stated American Kuhne had been working with the Building & Zoning Official on a best management practices work plan and once it was approved, it would be a public document.

Scott Bill Hirst of Maple Court reminded the Council that on June 3, 2008 at 7:00 PM at the Chariho Middle School Auditorium, students would be portraying various historic figures as part of a presentation related to the proposed Depot Square Park Project.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk