

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of October 2009 A.D. the said meeting was called to order by Town Council President Thomas Buck at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI.

PRESENT: Thomas Buck, Sylvia Thompson, Beverly Kenney, Barbara Capalbo; Town Solicitor Patricia Buckley; Interim Town Manager M. Linda Urso; Town Clerk Elizabeth Cook-Martin.

Absent: William Felkner.

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

RESOLUTIONS RE: WASHINGTON COUNTY REGIONAL PLANNING COUNCIL ENERGY GRANT

A MOTION WAS MADE BY COUNCILOR AND SECONDED BY COUNCILOR TO ADOPT THE RESOLUTIONS IN SUPPORT OF THE WASHINGTON COUNTY SEP/EECBG APPLICATIONS AND IN SUPPORT OF THE WASHINGTON COUNTY ENERGY SERVICES COMPANY RFQ.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

The two resolutions follow:

**HOPKINTON RESOLUTION
IN SUPPORT OF THE WASHINGTON COUNTY
SEP/EECBG APPLICATIONS**

Whereas, the Washington County Regional Planning Council (WCRPC) and the Town of Hopkinton have adopted an Energy Policy for Washington County and Hopkinton to save energy, reduce energy costs, and foster energy independence; and

Whereas, the WCRPC has built a coalition of the towns of Charlestown, Exeter, Hopkinton, Narragansett, New Shoreham, North Kingstown, Richmond, and Westerly, and the Chariho, Narragansett, New Shoreham, North Kingstown, Exeter/West Greenwich, and Westerly school departments, to work together to create such energy savings; and

Whereas, the coalition has studied various methods of energy savings, including state and federal grants and energy services contracts; and

Whereas, the State of RI plans to issue approximately 13 separate RFPs for the towns and regions to apply for federal stimulus funds; and

Whereas, the exact make-up of such RFPs is not known at this time;

Now therefore, the Hopkinton Town Council endorses the WCRPC Energy Program and authorizes the staff to apply for any and all state/federal resources to reduce municipal and school energy costs, to create

local jobs, to foster energy independence, and to leverage those grant funds wherever feasible, appropriate and fiscally prudent and in such manner to ensure the long-term viability of the Washington County Regional Planning Council and the Town of Hopkinton.

**HOPKINTON RESOLUTION
IN SUPPORT OF THE WASHINGTON COUNTY
ENERGY SERVICES COMPANY RFQ**

Whereas, the Town of Hopkinton and the Washington County Regional Planning Council (WCRPC) have adopted an Energy Policy for Washington County and Hopkinton to save energy, reduce energy costs, and foster energy independence where feasible, appropriate and fiscally prudent; and

Whereas, the WCRPC has built a coalition of the towns of Charlestown, Exeter, Hopkinton, Narragansett, New Shoreham, North Kingstown, Richmond, and Westerly, and the Chariho, Narragansett, New Shoreham, North Kingstown, Exeter/West Greenwich, and Westerly school departments, to work together to create such energy savings; and

Whereas, the coalition has studied various methods of energy savings, including state and federal grants and energy services contracts; and

Whereas, "performance contracting" presents a method whereby savings are professionally assessed, guaranteed by the Energy Service Company, and paid for with the savings they generate, allowing substantial capital improvement without increasing municipal or school costs; and

Now therefore, the Hopkinton Town Council endorses the WCRPC Energy Program Request for Qualifications to select and secure an Energy Services Company (ESCO) to create these savings through Performance Contracting.

CONSENT AGENDA

Councilor Capalbo removed the October 5, 2009 Town Council Minutes from the Consent Agenda in order to vote on them separately as she had not been present.

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

FOLLOWS: Approve Town Council Meeting Minutes of September 21, 2009;

Accept the following reports: Town Clerk, Tax Collector – which includes adjustments & collections to date; Chief of Police; Tax Assessor – which includes abatements.

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF OCTOBER 5, 2009.

IN FAVOR: Buck, Thompson, Kenney

OPPOSED: None

ABSTAIN: Capalbo

SO VOTED

PUBLIC FORUM

Robert Gelinas of 17A Main Street commented that he thought the personnel at the Town Hall were #1 explaining that he had sought some information including budgets and contacts for State Senator and State Representative and had been provided the information promptly; he gave credit to the finance department as he felt the budget format was the best he'd ever seen; reported that the police were doing their job monitoring speeders on Main Street. He suggested the installation of radar signs on the road when entering and exiting Town at the Hopkinton-Westerly border; noted he had a problem with the landfill expense and questioned why the Town was paying Westerly fees and recycling revenue. Council President Buck responded that the Town did not have its own landfill and had an agreement with Westerly to use their landfill. Mr. Gelinas felt this was unfair that Westerly received the recycling revenue and the pay-by-bag fee revenue. Councilor Thompson added that Westerly had to also absorb additional capital costs. Mr. Gelinas stated he would like to know what they received. Councilor Thompson noted that when she was on the Council during a previous term, Westerly was running a deficit. She stated she did not know what their profit to expense was presently and recommended Mr. Gelinas may be able to find that information on the Westerly website. Mr. Gelinas stated he would be sending a letter to President Obama regarding the gas tax and may also collect signatures. He felt it would be a tough winter. Councilor Thompson directed Mr. Gelinas to contact Representative Brian Kennedy in regards to the installation of radar signs on Main Street as it was a State road.

Councilor Capalbo offered her gratitude to all pertaining to her mothers passing. She expressed appreciation to Chief Scuncio, Lieutenant Baruti, Officer Kenyon, local emergency services and hospital.

TOWN SOLICITOR REPORT

Town Solicitor Patricia Buckley reported on the Public Utilities Commission (PUC) appeal matter: That the PUC would be coming back to Hopkinton to conduct a site visit on Thursday, October 22, 2009 at 10:00. All were meeting at

the Route 3 Park and Ride and she recommended that if the neighbor's had specific concerns, that they should let her know; She wanted all to know that she felt the citizens who participated in the PUC Hearing at the Town Hall on September 29, 2009 did the Town proud. She stated it had been one of her best nights in Hopkinton, that the way the people in attendance had conducted themselves even the PUC commented and were impressed. She noted that filings were due on Wednesday, October 21, 2009 and that Building-Zoning Official Brad Ward and Town Planner James Lamphere would be testifying at the hearing on October 28, 2009. Councilor Thompson expressed her thanks to Solicitor Buckley for asking the PUC to come to Hopkinton. Solicitor Buckley noted she thanked each and every commissioner and they indicated to her that they were happy to come, that they had been impressed with the civility at which the people conducted themselves and that she had been impressed as well.

COUNCIL PRESIDENT REPORT

Town Council President Thomas Buck reported he would be attending the PUC site visit on October 22, 2009. He noted due to a family matter involving his mother, he would be out of Town for a week.

TOWN MANAGER REPORT

Interim Town Manager M. Linda Urso reported on correspondence received from Kenneth Burke, General Manager of the RI Resources Board regarding groundwater protection and acquisition grant. She noted an extension of time for the grant had been sought by the Town Planner. She noted if the Council wished to have a workshop so they could conduct a question and answer session with Mr. Burke to let her know. She added that Mr. Burke had indicated that this was a complicated subject. Councilor Capalbo suggested it may assist the Town with waterlines, well protection areas for the protection of existing wellheads and felt he should come down and address the Council. Councilor Thompson recommended inviting the Planning Board, Conservation Commission and CDBG Coordinator Geoffrey Marchant if a workshop was scheduled.

Ms. Urso reported that she had been handling personnel issues as they arose including the vacancy of the municipal court clerk. Councilor Capalbo questioned

the status of additional town ordinances that would potentially go through municipal court. Ms. Urso responded there was nothing out at this point.

Councilor Capalbo commented that it had been the first time they had received a sick time/vacation time report for payroll and suggested the Council receive it on a quarterly basis.

OLD BUSINESS

TOWN BILLS

Councilor Capalbo questioned the Terminex annual fee invoice found on page 7 and why it was not being done monthly. Ms. Hall from the Finance Office responded the Finance Director felt it was less costly to pay for the service annually vs. monthly. Councilor Capalbo noted there had been questions because of the past termite damage as to whether they could protect the building. Councilor Kenney felt invoicing had been done on a monthly basis because of cash flow. Councilor Capalbo disagreed and stated she felt it was because they could not protect the building. She wanted assurance they could do that. Ms. Hall suggested it could go out to bid. Solicitor Buckley noted that it had been an issue of competency. Council President Buck commented that he had questions regarding whether protection from pests should be in the form of baiting or injecting. Ms. Hall noted that when the vendor had been called in, the termite damage was already there. Councilor Capalbo felt it would be a good idea to go out to bid and that billing should be done monthly vs. annually. The Council requested the Manager to look into these questions; if there was a signed contract, was it a one year deal, billing monthly. Ms. Hall responded that she thought the agreement was an automatic renewal. Councilor Capalbo noted that there was a euthanasia bill included on the bill list and recommended if people wanted to adopt a cat to call the Animal Control Official.

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO AUTHORIZE THE FINANCE DEPARTMENT TO PAY THE TOWN BILLS WITH NO ADDITIONS OR DELETIONS

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

PUBLIC HEALTH EMERGENCY RESPONSE GRANT AGREEMENT FROM RI DEPARTMENT OF HEALTH

Council President Buck reported that the Council had held a workshop on this matter and would be tabling authorizing the Town Manager to sign Public Health Emergency Response Grant agreement from RI Department of Health to November 2, 2009.

NEW BUSINESS

INTERVIEWS – APPOINTMENTS – RESIGNATIONS

There were no interviews, appointments or resignations discussed.

THE NATURE CONSERVANCY PROPERTY TAX MATTER

Giovanni Cicione, Esq. was present. He stated he was volunteer Counsel for the RI Chapter of The Nature Conservancy (TNC). Tax Assessor Steven Hazard was also present. Attorney Cicione had provided a letter describing the situation. He noted the TNC was working with the Hopkinton Land Trust and the RI Department of Environmental Management to protect 624 acres in the Grills Preserve for conservation purposes. He reported they had applied for a tax abatement going forward, but not retroactive, that the Tax Assessor had continued to tax the property as appropriate and that there was general agreement on a tax bill in the amount of \$34,000.00. He reported the property had a \$2.55 million dollar purchase price and a percentage of the property was to be transferred to the Land Trust. The process had been delayed because the federal funding had been delayed. The Nature Conservancy had been holding this on the books since and incurred \$100,000.00 in soft costs. He suggested if the Town approved a payment in the amount of \$34,014.00 for the taxes due to assist with the acquisition it would cancel each other out at closing and would provide a legal avenue to deal with the problem. Solicitor Buckley stated she did not have clear understanding of the process of advancing in this matter. Council President Buck questioned why the amount could not be abated. Mr. Hazard stated the Town had an ordinance that exempted the Nature Conservancy, but had as a courtesy always asked for an exemption and did so the day before the end of the year. He explained they had not gone before the Council prior to the certification of the roll. He noted they applied to the Tax Board of Review on an appeal, but the Board had no authority

to overturn. Mr. Hazard stated he felt the ordinance that exempts TNC, was not clear. He provided a copy of the ordinance to the Solicitor. Town Solicitor Buckley will review the ordinance to determine its implications and see if it applies in this instance as this was a preferable avenue to follow. Attorney Cicione was amenable for this to be clarified. Councilor Thompson recalled in dealing with this before that the intention was to exempt the taxes when the Land Trust was to take the property, but there was a cut off. Solicitor Buckley explained that the property was to go directly to the Land Trust. TNC had agreed to hold it when the RIDEM funding was delayed and she recalled that the exemption was intended by the Council. Councilor Capalbo questioned the amount of the tax bill and the time frame. Mr. Hazard stated the property had been assessed as of 2007 so the tax bill was for 2008 and whoever owned the property as of December 31 was the one who was taxed for it. Richard Grills owned the property through December 30, 2008. Attorney Cicione stated that it was his understanding that the timing was part of the calculation and the belief was that the tax was just another amount to be discounted. He added that the transaction was expected to be completed in the next couple of weeks. Councilor Thompson commented that they should know that they did not expect them to have to pay the taxes on this land deal and supported having the Solicitor to determine the best way to deal with the issue. Councilor Capalbo stated she would like to know more and asked that it be on the next agenda. Attorney Cicione stated that would not hold up the deal, but added The Nature Conservancy does want it off their hands. This matter was continued to November 2, 2009.

MUNICIPAL COURT CLERK POSITION

The Council discussed the Municipal Court Clerk position vacancy. Ms. Urso reported that a financial analysis had been done by the Finance Director. She recommended that there should be someone to deal with the Courts clerical duties five days per week. The job description had been re-written and the position had been posted for sixteen hours per week. The \$2,500.00 clerk stipend had been eliminated. A part time employee had applied for the position. That person worked three days per week and earned a higher hourly wage than that of what was posted. The positions will be kept separate and each position will be kept part

time. A full time position is 35 hours. If the individual who bid for the position was approved, that person would be paid the two separate rates: the hourly rate for the position currently held and the entry level hourly rate for the municipal court clerk; the \$2,400.00 stipend would be eliminated and the person would be entitled to either health insurance or the health insurance buy-back. Health insurance was not needed for this individual, which would reflect a \$1,100.00 increase. Ms. Urso stated the benefit would then be that there would be a person five days a week to answer the court phone and collect payments. If this person left the Towns employ, there would be two separate part time jobs posted.

Councilor Kenney questioned if the Town could eliminate the additional funding in the budget for the extra time per tax collection period four times per year. The answer to this question would have to be determined. Councilor Capalbo felt part time employees offered the Town more flexibility and expressed concern that with making this a five day position, this flexibility would be lost. She stated the Town was under-man powered already. She expressed concern with the additional expense for health insurance as there may not be any funding available. She noted another individual has had training on the court computer system already. Council President Buck noted that it would still be two part time positions the only difference in total if this person was hired would be \$200.00. The only reason this individual would receive the benefit option was because of the hours in total.

Councilor Capalbo expressed concern that the union would file a grievance with one person doing multiple tasks, that essentially the Council would be creating a full time position. Council President Buck guaranteed it would not result in a full time position. Ms. Urso noted she had letters from involved persons anticipating that it would work out smoothly. Councilor Thompson noted she had reviewed the material and listened to the discussion and did not feel this was a full time position, it was two part time positions and it would stay as such. The hours added up to full time but future budgets would require them to be part time. She noted there may be an increase in expenses by \$200.00 for the municipal court but in the future municipal court revenue would increase as more issues came before it, such as zoning violations. She stated she felt it could be done. Council President Buck noted the total hours may be full time, but there were two separate and distinct

pay scales, which could not be argued by the union. Councilor Capalbo agreed that she felt municipal court revenues would increase with more going before the court, but the Town Hall was understaffed and she suggested that there should just be a full time person hired. She felt by hiring a full time individual, that person could be used more fully. Councilor Thompson did not want to combine the two positions to create a full time position neither did Councilor Kenney who noted there was more flexibility with the two part time positions. Council President Buck noted that the individual who applied would have to make a decision should the municipal court clerk position garners another day. Councilor Capalbo felt it was the same amount of money, they were just calling it something different. Solicitor Buckley stated it was the Town Manager who had the authority to hire and fire. Councilors Buck, Thompson and Kenney felt it was a good idea this fiscal year.

BUDGET STATUS

Council President Buck noted budget preparations would begin in January 2010 and confirmed that the Solicitor would be providing the dateline.

CORRESPONDENCE

Council President Buck commented on receipt of letters of appreciation from individuals regarding assistance they had received from Officer Thomas Quaratella in one instance and Officer David Whewell in another instance.

PUBLIC FORUM

No one spoke during the second public forum.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO ENTER INTO EXECUTIVE SESSION UNDER RIGL 42-46-5A (1) PERSONNEL – TOWN MANAGER POSITION.

POLL VOTE:

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

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

IN FAVOR: Buck, Thompson, Kenney, Capalbo

OPPOSED: None

SO VOTED

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR KENNEY AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF CHRISTOPHER CLARKE.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerks