

State of Rhode Island

County of Washington

In Hopkinton on the third day of January 2017 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02832.

PRESENT: Frank Landolfi, Thomas Buck, Barbara Capalbo, Sylvia Thompson, David Husband; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

COUNCIL APPOINTMENTS:

Zoning Solicitor

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPOINT VERONICA ASSELONE, ESQ. AS ZONING SOLICITOR. Discussion:

Councilor Buck asked if all the appointments were at-will. Council President Landolfi responded yes, there were no contracts.

Vote on the motion:

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: Thompson

SO VOTED

Prosecutions Attorney

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPOINT MICHAEL COZZOLINO, ESQ. AS PROSECUTIONS LAWYER.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

Probate Judge

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPOINT M. LINDA URSO, ESQ. AS PROBATE JUDGE.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

HEARINGS

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

IN FAVOR: Landolfi, Buck, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

CAMPGROUND LICENSE RENEWALS

The Council opened a hearing on the renewal of the following campground licenses:

Frontier Camper Park, LLC– Scott W. Thompson, 180A Maxson Hill Road, Ashaway, RI licensed for 225 Campsites & Safari Sites. Mrs. Thompson was present. Filing fees were fees paid and notices posted. The Town Clerk noted there was a notice for the Town Council from the Tax Collector.

Greenwood Hill Campground Association, Inc. – Jeff Aldrich, 13 Newberry Lane, Hope Valley, RI licensed for 80 Campsites & Safari Sites. Mr. Aldrich was present. Filing fees were paid and notices posted.

Holly Tree Campground, Inc. – Marie Patrizzo, 109 Ashaway Road, Ashaway, RI licensed for 158 Campsites & Safari Sites. Mrs. Patrizzo was present. Filing fees were paid and notices posted.

Whispering Pines Campground – Cameron May, 41 Saw Mill Road, Hope Valley, RI licensed for 213 Campsites & Safari Sites. There was an individual present.

The Town Clerk reported the application and filing fee had been received this day. Notices had been posted.

Ashaway Pines, LLC - Clint Ramsden, 41 Saw Mill Road, Hope Valley, RI 02832 for the Ashaway Pines RV Resort on Vuono Place licensed for 266 Campsites. There are no Safari Sites. The same individual who represented Whispering Pines offered to represent Ashaway Pines. The Town Clerk reported she had not received an application but the filing fee had been received this day.

Town Clerk Elizabeth Cook-Martin reported notice had been published in the newspaper as well as mailed notice to all campgrounds abutting property owners. This would be the abutters opportunity to speak.

Andrea Panciera of 7 High Street stated she was a member of the Panciera family whose property abuts the Ashaway Pines RV Campground and she had some concerns she wanted to air. She stated the property had apparently been transferred to another entity; the title was now held by RI Industrial Facilities Corporation and that Ashaway Pines no longer being the owner of record, but as lessee. She questioned who should be applying for the license and who would be responsible for the campground license requirements; the owner or the lessee. She referenced Hopkinton's Mobile Home, Mobile Home Parks and Campground Areas Ordinance Section 9-47 that talks about the owners being the ones to apply but there was also a requirement that evidence is to be submitted that the applicant is the owner or lessee for the license. She noted her larger question is if there were issues with the campground, who should they be addressed to; the lessee or RI Industrial Facilities Corporation, a non-profit organization who had been paying the taxes for the past two years. Ms. Panciera added that the property has now built four "cottages" that appear to have cement foundation and look to be mobile homes. These had been objected to during planning and zoning phases and she felt they had been specifically prohibited. There were to only be RV's allowed; not mobile homes or tents. She also felt there were six additional sites which she felt was a violation of the 260 sites. She expressed concern over the impact of the

water demand from the campground on their well. She explained that after two summers of drought in a row, the stream that runs through the campground onto their property had run dry over the course of three months requiring them to move their cattle two times per day. She noted they had one well on their farm that they were having problems with. She questioned if the demand from the campground made it worse for them and indicated there was no annual inspection relative to how their water usage affected neighbor's wells, though the campground must have periodic well testing as required by the State. She expressed concern with the aquifer and concern with the ability of her family to take care of the agricultural needs of their farm. Council President Landolfi indicated the Council will look into these concerns. Ms. Panciera requested the owner or representative be in attendance before the Council when the matter comes up to answer questions. No decision was made on the Ashaway Pines LLC campground renewal, the matter was tabled.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO GRANT RENEWAL TO EACH CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE FOR GREENWOOD HILL CAMPGROUND ASSOCIATION, INC., HOLLY TREE CAMPGROUND, INC., AND WHISPERING PINES CAMPGROUND AND IN ADDITION TO GRANT RENEWAL TO FRONTIER CAMPER PARK, LLC SUBJECT TO THE TAX COLLECTOR RECEIVING PAST DUE TAXES, WHICH INCLUDES ALL STATE AND TOWN REGULATIONS BEING MET.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

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

IN FAVOR: Landolfi, Buck, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

CONSENT AGENDA

The December 19, 2016 Town Council Meeting Minutes were revised; page 6, four lines from the bottom: add the word “thinks” after Thompson and there; page 9, second paragraph, first sentence, substitute the word “to” for the word “by”.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of December 19, 2016 as amended; Approve Petition of National Grid/Verizon for a new joint owned pole location on Tomaquag Road; Set February 21, 2017 as the second Town Council Meeting in February due to the President’s Day Holiday; Approve abatement for a property owned by RI Housing & Mortgage Finance and exempt by law, submitted by the Tax Assessor.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during the first public forum.

COUNCIL PRESIDENT REPORT

Town Council President Landolfi reported The Trust Annual Dinner was scheduled for January 19, 2017, deadline to RSVP is January 13, 2017; he reported he had dealt with some zoning related complaints in his neighborhood and thanked Mr. McGarry and Sherri Desjardin for their assistance; He reported he had reached out to new Charlestown Town Council President Virginia Lee regarding the proposed Federal Railroad Administration Railroad Track Relocation to determine if they would be considering a resolution but had not heard back from her. The meeting was scheduled for January 10, 2017 in Charlestown and he hoped the Council could consider adopting a resolution.

TOWN MANAGER REPORT

Town Manager William McGarry reported on Monday, December 19, 2016, Town Council Vice President Tom Buck, Councilor Barbara Capalbo and Mr. McGarry attended a breakfast at the Preserve at Boulder Hills in Richmond to help celebrate the 40th anniversary of Wood River Health Services. The keynote speaker was RI Department of Health Director Dr. Nicole E. Alexander-Scott, and the event was very well attended; he reported during December, Department Heads submitted their respective Town-wide Annual Goals for FY 2017-18 and Multi-year goals for FY's 2018-20 to his office where his assistant had compiled these goals into two separate lists. A Department Head staff meeting is scheduled for January 4, 2017 to discuss these goals and fine tune these lists for Council review and consideration at its January 17, 2017 Town Council meeting; he reported on December 27, 2016, RIEMA awarded the Town a \$21,800.00 non-matching grant to replace the Town's aging GIS electronic equipment, thereby allowing it to create, update and maintain its various emergency response plans, whose data can be integrated into the Code Red emergency notification system.

NEW BUSINESS

PROPOSED BRADFORD DAM REMOVAL

This matter had been scheduled to discuss, consider and vote on whether to offer comments to DEM re: proposed Bradford Dam Removal. The Town Clerk's Office had received a cover letter and a multiple page set of engineered maps. The maps were available for inspection. Town Clerk Elizabeth Cook-Martin commented that she could not find in the material submitted what they specifically plan to do; but there was a lot of data and information provided on the maps. Councilor Capalbo was aware that they planned to take the dam out and incorporate and build in a number of steps in the river but did not know how many were planned. She felt it may be wise to provide comments on the Bradford Dam removal. Council President Landolfi noted the deadline was in three days. Councilor Capalbo was happy about what she heard and aware they planned to be stepping it down; it did not appear to be a major shift but it will probably be helpful for the fish and also alleviate flood concerns. She did not feel it was a radical plan, but a relatively minor one. Councilor Buck reported he had tried to get in touch with Westerly Town Council President Jamie Silvestri and would try

again tomorrow. He was not sure how low were they would be lowering the level if it was for flood resiliency; one foot, two foot. He noted it was not a huge dam, only about six feet and was not like the Wyoming or Potter Hill dams, so the drop was less. He also was not aware if notices had been sent to property owners along the river upstream off of Church Street; he has a sister in law who resides there. He understood, based on what he saw on the map, that it would be staggered similar to what they did in Shannock at the lower dam. His main concern was how low the water level would be and if the height of the steps would be the same height as the dam was and would it mitigate flooding. Councilor Husband questioned the flooding aspect as he felt there was very little up-river; north of the dam was all woodland. Councilor Buck explained there were houses upstream along Church Street/Route 216. He stated the highest the river came to his sister in law's house was about ten feet away in 2010. Councilor Capalbo felt it was a pretty minor change and that the Council had had stronger opinions on the larger dams. She suggested the Council could be gracious about it as it was not a major change but a soft change. Councilor Buck noted the next dam to be targeted would be Potter Hill and Councilor Capalbo agreed with this. She felt that this would be a soft change that would not make a lot of difference or cause much damage and would result in a lowering of the water level vs. a rise in water level. She did not have much of a problem with what is being proposed for this dam but would be adamant on others. Councilor Thompson wondered what affect it would have on fire protection because the river has been used for this purpose. She noted there were not many in attendance and interpreted that as the proposed removal as being not too much of a concern. Council President Landolfi noted the notice period expires in three days. Councilor Thompson felt people with concerns could comment or raise questions on their own. Councilor Husband referenced the letter and the only thing he was concerned about was, and he read "The project as proposed will result in the alteration and/or disturbance of approximately 14,670 square feet of alterations within swamp, 53,580 square feet of alterations within perimeter and riverbank wetlands, and 677,980 square feet of alterations within the Pawcatuck River". He was not certain that would be good for the river environment there as he felt it was a pristine area. Councilor Buck

pointed out that one of the maps outlined the disturbed areas. He stated there was a field up behind the old package store in Bradford where they will store the removed loom as well as the stone walls that were to be saved and placed back in the river. Councilor Capalbo noted that prior to when the dam was not there, the wetland was probably extended and she assumed they wanted to see that again. Ms. Panciera commented that the dam went in around 1900; her great-grandfather had helped haul the granite stones from the quarry to help build the dam and the stone buildings for the original section of the mill. She added there had been a March 2016 article in the Westerly Sun that had some information on the dam project in layman's terms; that they want to take out part of the fish ladder, not all of it; they were not going to remove the actual dam so there would not have an impact on the actual water level at the head of the dam according to the article. She recognized Councilor Husband's concern with the project and with the area as a whole. Council President Landolfi reported he had reached out the Westerly Town Clerk as he could not find if Westerly had even discussed it and researched through minutes back to early November 2016. He left her a message but has not received a call back. He reported he had also reached out to the contact person referenced in the letter, Angela Spadoni, to see who sent out the abuttor notice and if there had been any responses from abuttors about any concerns they may have. He had not heard back from her but either but would keep trying before the January 6 deadline elapses to see if he can make any headway and he would let the Council know what he has found out.

FY 17/18 BUDGET TIMETABLE/BUDGET WORKSHOP SCHEDULE

The Council scheduled Budget Workshops in coordination with the FY 17/18 Budget Timetable: February 13, 23, and 27, 2017; March 9 and 13, 2017. The workshops will begin at 6:30 PM in the Town Hall Meeting Room.

SCHEDULE WORKSHOP RE: PROPOSED RESIDENTIAL SOLAR ORDINANCE

The Council set Monday, January 9, 2017 as a workshop to discuss a proposed residential solar ordinance. The workshop will begin at 6:30 PM in the Town Hall Meeting Room.

METHODS OF RECEIVING TOWN COUNCIL AGENDA MATERIAL

The Town Council held a discussion regarding various methods of receiving

Town Council agenda material: Information to receive electronically and information to receive as hard copy. Councilor Buck had requested this item as the Town Council receives so much paper-based information and it is easier to keep electronic records. He noted he watched a Westerly Town Council Meeting and they used laptops. Councilor Thompson noted the Richmond Town Council uses laptops too. Councilor Buck felt it might be easier to receive the material electronically and it would also be budget conscious. Councilor Husband commented the Council would have to purchase laptops. Councilor Capalbo felt it was something to consider during budget workshops. As to what information the Council would receive electronically, Councilor Capalbo felt the bid packages would be something to receive this way. Councilor Thompson agreed and commented that she prefers hard copies but with excessively large informational materials such as the comprehensive plan or bid documents it would save time and resources. As the bid documents come from the Manager's Office, Mr. McGarry noted whatever the Council prefers was fine with him but he recommended the development of a policy, that way there would be no question as to which documents would go electronically and what would be provided as hard copy. That way everyone would know what to do and what to expect; what to send, what not to send. Councilor Capalbo did support moving forward at some point with laptops. Councilor Thompson noted it could be a laptop or a tablet of some sort. Councilor Buck added that the Council usually receives their hard copy information by delivery on Fridays or Saturdays; receiving the information electronically would be more efficient. The Town Manager's Office and Town Clerk's Office in combination provides the information to the Council. Councilor Husband suggested starting with bid documents, receiving them electronically. Councilor Thompson agreed as long as there was one hard copy available in the event someone needed to refer to it. Councilor Husband noted that then the Council could then winnow it down further going forward. Council President Landolfi was of the opinion that it should be all or nothing but agreed with starting with the bid documents, because he felt it could present some confusion to the Manager and Clerk as to what to provide electronically and what to provide as hard copy. He felt this could be a little premature until the Council decides on

whether or not to purchase laptops and once that is decided they would know on whether to opt to receive electronically or by hard copy. He stated his preference was to receive a hard copy and reiterated his thought that it should be all or nothing. Councilor Buck added that it would be more efficient to handle the electronic data by categorizing it in electronic folders vs. physically searching through folders and envelopes. Councilor Capalbo stated that with hard copies she liked to make notes on them, so she preferred at this point to start with receiving bid copies electronically for the next six months or so, then move on to other documents moving forward. She noted in June the Council may have decided to buy computers. Councilor Husband commented that another document to receive electronically would be the utility pole reports and Councilor Buck suggested the licensing paperwork. Councilor Thompson agreed with Mr. McGarry's suggestion that a policy and rules were in order because if there were laptops a decision would have to be made as to whether they are kept on the premises or in each Councilor's homes; who has access to them, will there be sensitive information on them or just certain things. She felt for the moment, they could agree upon having bid documents received electronically but other than that a policy was needed. Council President Landolfi added that he wasn't sure how the budget documents would show on a laptop either and that it would require the involvement of the IT director. Councilor Thompson noted it may be that the Council would need something simpler than a laptop or if one's own computer would be sufficient. The Town Clerk indicated that it was up to the Council as to what they would prefer but agreed with Mr. McGarry's policy suggestion. In response to a question as to whether the information can be reduced to electronic copies, Mrs. Cook-Martin stated yes, most information can be scanned and emailed electronically. The exception would be to maps as there have been concerns expressed by the individuals about their work being reduced to an electronic format. It was the Council's consensus at this time to receive the bid documents electronically. Further discussion will be necessary relative to a policy and a decision on whether to purchase laptops or tablets.

BOARDS & COMMISSIONS:

Zoning Board of Review

This matter had been continued from December 19, 2016. Councilor Thompson reported she had spoken to the Solicitor after she received a comment from a resident. She stated she would like to interview Mr. Sposato before reappointing him. Council President Landolfi stated he had spoken to Solicitor McAllister about the matter. Mr. Sposato was advised to call an Ethics Commission attorney, but he did not know if it rose to the level of needing a written opinion. Solicitor McAllister stated he had spent a lot of time on this matter but the bottom line is the issue is one for Mr. Sposato to deal with and Mr. Sposato had to be comfortable with whatever he decides to do under the situation. He indicated it had nothing to do with his reappointment to the Zoning Board. It is a personal situation for Mr. Sposato. Attorney McAllister reported Mr. Sposato had spoken to a lawyer at the Ethics Commission at length but he was not sure of what was said, nor did he ask, about the outcome of the conversation, but he reiterated it is strictly up to Mr. Sposato to decide to protect himself or not. He stated it was an entirely separate issue from his eligibility to be reappointed to the Zoning Board. Councilor Thompson asked for clarification because if he has a conflict as a member of the Zoning Board and someone is before him on a matter he is going to vote on and, he may have a conflict, that's not personal, that's town business. Solicitor McAllister concurred indicating Mr. Sposato was the one who can get into trouble. Solicitor McAllister stated it was a personal decision for Mr. Sposato to make. Councilor Thompson confirmed then that it was up to Mr. Sposato to decide to recuse or not. Solicitor McAllister added that as Solicitor for the Town, he could not advise Mr. Sposato on this matter, particularly when any public official can seek a verbal or written opinion from the Ethics Commission - which they welcome, so it was up to him to seek whatever guidance he wishes from the Ethics Commission without any cost to him, but he has to make the call. Councilor Buck asked what the Town's liability was if a member of a board or commission who was representing the town, and votes on a matter and has a conflict of interest; what affect would it have on the applicant as it pertains to a decision or the ruling of the board or commission one way or another; would it affect an applicant's decision or would it affect the town as a whole. Solicitor McAllister responded that would depend on a whole bunch of facts and it would

depend on the Ethics Commission whether they would seek a reversal of any decision by a board or a commission – which they can do. Councilor Thompson confirmed with Solicitor McAllister that the Ethics Commission can render a decision if a formal complaint was made. Solicitor McAllister responded yes, and it's the public official personally who is accountable. Councilor Thompson noted that there had been an open meetings complaint leveled against them in the past and in those instances the Town will provide coverage. Solicitor McAllister responded that was a very different, separate process, not even similar to the ethics process. Councilor Buck's concern is the liability to the Town should there be a lawsuit by the applicant. Councilor Capalbo stated it seemed to her that if Mr. Sposato spoke to the Ethics Commission and they advised him whether he had a problem or not then he may already have made a decision. So if there was interest in finding out what the issue was or what the decision was, the Council could interview him and ask what the resolution was. If it was not a problem the Council could go ahead and reappoint him to the Board. Council President Landolfi reported he had spoken to Mr. Sposato who went into some detail about the concerns, once the facts came out, the Ethics Commission attorney was satisfied there was no apparent conflict. Councilor Capalbo noted there were some pretty massive matters the Zoning Board was finishing up. Councilor Buck noted he was only interested in the affect on the Town. Solicitor McAllister noted the Town can't be sued for a conflict of interest issue a public official had at the time of a vote or a decision unless it was proven there was some type of conspiracy. Councilor Husband would like to see a letter from the Ethics Commission telling him he doesn't have a conflict before he votes to reappoint Mr. Sposato. He felt any member of any board or commission making a decision that has a potential conflict of interest where a vote is taken, should get an opinion, otherwise it casts a cloud and can skew the decision if there is a conflict of interest claim and a lawsuit filed. He did not support any board or commission member who has a conflict interest voting on a matter; it only takes one issue to make a problem for the Town. Council President Landolfi noted this particular matter involved one hearing where there was a potential conflict of interest; once it was fully vetted, it went away. This issue is on Mr. Sposato, not the Town. Councilor Thompson

stated if Mr. Sposato says there is no problem, he can ask for an advisory opinion from the Ethics Commission and that will confirm it. She suggested the Council can have him come in for an interview and ask him; if everything is fine he will have it in writing and that will protect him. Councilor Husband was still concerned. Council President Landolfi noted that the Solicitor had just said there was no conflict and he himself was comfortable with the situation after speaking with Mr. Sposato. He added that if there had been a conflict of interest, one of the attorney's would have brought it up, but this matter has been going on for two years and no one had questioned it. He is concerned that if there had been an issue, with these hearings going on for two years and if there had not been an alternate member seated at all times, it may potentially have to start over. He reported after he spoke with the applicant he was assured there were wasn't any conflict, so he was relieved. This particular matter only has one or maybe two more hearings left. Councilor Thompson noted he could ask for an opinion and added he was still a member of the Zoning Board. Solicitor McAllister stated it was up to Mr. Sposato to ask for an opinion from the Ethics Commission. Council President Landolfi noted the position is unpaid and he has been donating his time serving on the Zoning Board for 12 years. Councilor Capalbo supported reappointing him. Councilor Buck reiterated his concern was a town-wide issue and not with the individual; that Mr. Sposato has spoken to the Ethics Commission and it appears there is not an issue.

A motion was made by Councilor Capalbo and seconded by Councilor Buck to reappoint Ronnie Sposato to the Zoning Board of Review. Discussion on the motion: Council President Landolfi asked if they wished to add a caveat about the Ethics Commission opinion. Councilor Capalbo did not feel they needed to add the caveat but could ask Mr. Sposato graciously to do it. Councilor Thompson noted it would not hurt to ask him to do it. She indicated she could not in good conscience vote for him at this time unless there was something from the Ethics Commission or has heard from Mr. Sposato in person. Council President Landolfi noted she could call him. Councilor Thompson commented that if it is not a problem then he would have no problem asking the Ethics Commission for an

advisory opinion. Council President Landolfi suggested making it a condition.

Councilor Thompson amended the original motion that it be subject to receipt of an advisory opinion from the Ethics Commission in writing, this motion was seconded by Councilor Husband.

Vote on the amendment to the motion:

IN FAVOR: Landolfi, Buck, Thompson, Husband

OPPOSED: Capalbo

SO VOTED

The amended motion follows: A motion was made by Councilor Capalbo and seconded by Councilor Buck to reappoint Ronnie Sposato to the Zoning Board of Review subject to receipt of an advisory opinion from the Ethics Commission in writing.

Vote on the main motion as amended:

IN FAVOR: Landolfi, Buck, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

PUBLIC FORUM

Kenneth Panciera of 9 Panciera Lane noted he had missed an opportunity to speak on the Ashaway Pines Campground renewal matter. Council President Landolfi noted the Council had continued that matter; that Mr. Panciera's sister had brought up valid concerns to be addressed and that they will request the applicant or representative attend.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk