

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of June 2016 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02832.

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

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CONVENE IN OPEN SESSION AND RECESS TO EXECUTIVE SESSION FOR LEGAL ADVICE/POTENTIAL LITIGATION PURSUANT TO RIGL SEC. 42-46-5(A) (2) REGARDING REAL PROPERTY RIGHTS AND MAINTENANCE OBLIGATIONS.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

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

HEARINGS

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

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

OPPOSED: None

SO VOTED

The Council opened a hearing on an application for a Multi-Event Permit filed by Jennifer Johnson of Holly Tree Campground to hold two events: musical entertainment with a DJ for their campers scheduled for two different dates - Saturday, July 2, 2016 from 6:30 PM to 10:30 PM and again on Saturday, August 6, 2016 from 6:30 PM to 10:30 PM in the Camp Pavilion at Holly Tree Campground located at 109 Ashaway Road, Ashaway, RI 02804. The events are not open to the public.

Jennifer Johnson was present. The application was complete. No waivers were requested. Council President Landolfi asked if there had been a change in the hours. Ms. Johnson indicated there had been a change so that the music would end at 10:30 PM which would allow campers enough time to return to their site by 11:00 PM. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE MULTI-EVENT PERMIT FILED BY JEN JOHNSON OF HOLLY TREE CAMPGROUND TO HOLD TWO EVENTS: MUSICAL ENTERTAINMENT WITH A DJ FOR THEIR CAMPERS SCHEDULED FOR TWO DIFFERENT DATES - SATURDAY, JULY 2, 2016 FROM 6:30 PM TO 10:30 PM AND AGAIN ON SATURDAY, AUGUST 6, 2016 FROM 6:30 PM TO 10:30 PM IN THE CAMP PAVILION AT HOLLY TREE CAMPGROUND LOCATED AT 109 ASHAWAY ROAD, ASHAWAY, RI 02804 – THE EVENTS ARE NOT OPEN TO THE PUBLIC.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

ZONING ORDINANCE AMENDMENT - DECISION

This matter was before the Town Council to render a decision on a zoning ordinance amendment request filed by Kevin Murphy, Esq. on behalf of Home Loan & Investment Bank, FSB, One Home Loan Plaza, Warwick, RI 02886 for property owned by Home Loan & Investment Bank, FSB and located at 1100 Main Street, Hope Valley, RI 02832, identified as Assessor's Plat 27 Lot 150 a Commercial Special Zone heard on May 16 and June 6, 2016.

Kevin Murphy Esq. was present. A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of this record.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO ADOPT CHAPTER 248, AN ORDINANCE IN AMENDMENT TO APPENDIX A, CHAPTER 124 OF THE ZONING ORDINANCE OF THE TOWN OF HOPKINTON.

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

OPPOSED: None

SO VOTED

TOWN OF HOPKINTON, RHODE ISLAND
CHAPTER 248

An ordinance in Amendment Appendix A, Chapter 134, Zoning Ordinance of the Code of Ordinances of the Town of Hopkinton, Rhode Island, as amended.

The Town Council of the Town of Hopkinton does hereby ordain the following:

1. The Zoning Map accompanying and made part of Chapter 134 of the Zoning Ordinance of the Town of Hopkinton, Rhode Island, as amended, is hereby further amended by adding the permitted use of Automobile Repair Center (Use Category 633) to that certain parcel identified as Plat 27 Lot 150 currently zoned Commercial Special (CS), which use is added to the previously approved uses of Used Car Sales and Repair (maintenance) of those cars sold and the remaining portion of the building to be utilized as Office Space for said parcel, as approved by the Town Council on December 2, 1985, so long as the operator of any such automobile repair center on this parcel obtains from the Town of Hopkinton, and maintains thereafter, an Aquifer Protection Permit for that location. The previous requirement that such automobile repair (maintenance) use conducted on this parcel be limited to "those cars sold" on the parcel is hereby DELETED. This parcel is currently owned by Home Loan Investment Bank, F.S.B and is described as follows:

That certain parcel of land, with all the buildings and improvements thereon,

situated in the Town of Hopkinton, County of Washington, State of Rhode Island, bounded and described as follows:

Beginning at a point in the southerly line of Main Street, said street also being known as Route 3, said point being marked by a stone bound and being the northwesterly corner of the tract herein described of Mattie C. Stone, said point is also located 25 feet southerly from the corner line of Route 3 at Station 21 + 61.05 as shown on Rhode Island Highway Department Plat No. 58, sheet No. 3; thence running easterly by and with the southerly line of Route 3 a distance of 127.0 feet to a stone bound; thence turning an interior angle of 93° 20' and running southerly bounded easterly by land now or formerly of Harriet J. Smith a distance of 127.00 feet to a stone bound; thence turning an interior angle of 86° 40' and running westerly a distance of 127.00 feet to a stone bound; thence turning an interior angle of 93° 20' and running northerly bounded westerly by land now or formerly of said Mattie C. Stone a distance of 127.00 feet to the point and place of beginning, said last course making an interior angle of 86° 40' with the first described course.

Subject to the obligation to erect and maintain a chain link type fence along the southerly 107 feet of the easterly boundary and the entire southerly boundary of the above described premises and together with the right to pass and repass in common with others for any and all purposes over and across the following described premises.

Beginning at a point in the southerly line of Route 3, said point being marked by a stone bound and being the northwesterly corner of the tract herein described and the northeasterly corner of the above conveyed tract; thence running northerly a distance of 20 feet; thence turning an interior angle of 93° 20' and running easterly a distance of 20 feet; thence turning an interior angle of 86° 40' and running northerly a distance of 20 feet to the southerly line of Route 3; thence turning an interior angle of 93° 20' and running westerly by and with the southerly line of Route 3 a distance of 20 feet to the point and place of beginning, this last course making an interior angle of 96° 40' with the first described course.

2. All other Sections of Chapter 134 shall remain in full force and effect.
3. This amendment shall take effect immediately upon a finding by the Hopkinton Planning Board pursuant to RIGL sec. 45-24-52 that this Amendment is generally consistent with the Comprehensive Plan of the Town of Hopkinton.

CONSENT AGENDA

The following matters were pulled from the Consent Agenda: Petition of National Grid-Verizon for new joint pole locations and anchor supports on Camp Yawgoog Road; Approve Petition of National Grid for poles and anchor locations on Canonchet Road; Approve Petition of National Grid for pole and anchor location North Road; Approve Petition of National Grid for pole and anchor location Skunk Hill Road.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of May 2, 2016; Accept the following monthly financial/activity report: Town Clerk; Approve abatements submitted by the Tax Assessor.

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

OPPOSED: None

SO VOTED

Councilor Buck had pulled the National Grid petitions from the consent agenda. He expressed concern that the efforts to remove double poles, has stopped. He reported the amount of double poles in Town is down to 68 from 132. He reported the double pole at the end of Church Street had been topped in preparation for removal - was six weeks ago. He commented that he was aware there had been a strike, but that was over now. Council President Landolfi agreed they had made progress on removing the double poles. Councilor Buck would like to send a strong message that the Town wants them removed. Councilor Capalbo noted the petitions were for poles for new homes and for anchor poles instead of anchoring them to trees. Councilor Husband suggested they may need some motivation such as the Council would not be rubber stamping petitions such as these. Councilor Buck noted he had called them (National Grid, Cox, Verizon) so often they had gotten tired of hearing from him and had increased efforts to remove the poles, but that had stopped. Councilor Buck asked when the next substation status meeting would be. Mr. McGarry did not have any information as to when that would be. The Town Council would move on and approve the Petitions as they did not want to cause any interruptions in service or a delay in employing safety measures for the poles. Councilor Buck will speak with Public Works Foreman David Caswell to compare what poles had been removed and determine a status of what is remaining.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE PETITION OF NATIONAL GRID-VERIZON FOR NEW JOINT POLE LOCATIONS AND ANCHOR SUPPORTS ON CAMP YAWGOOG ROAD; APPROVE PETITION OF NATIONAL GRID FOR POLES AND ANCHOR LOCATIONS ON CANONCHET ROAD; APPROVE PETITION OF NATIONAL GRID FOR POLE AND ANCHOR LOCATION NORTH ROAD; APPROVE PETITION OF NATIONAL GRID FOR POLE AND ANCHOR LOCATION SKUNK HILL ROAD.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Conservation Commission Chairperson Harvey Buford was present and stated he wasn't aware the Council had closed the hearing on the Home Loan & Investment Bank, FSB matter. He reported that Home Loan & Investment Bank, FSB had applied for an Aquifer Protection Permit; they indicated they would have no hazardous materials on site and also had requested a waiver of every checklist item. He expressed concern as there were some steps they would have to undertake. Conservation Commission Member John Pennypacker would be attending the Zoning Board hearing on this matter.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported he had spoken contacted Brendan Fogarty to confirm the Town could name an additional person to the Transit HUB Committee and recommended Conservation Chairperson Harvey Buford.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO APPOINT CONSERVATION CHAIRPERSON HARVEY BUFORD TO THE TRANSIT HUB COMMITTEE.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

FINANCIAL RESOLUTIONS

This matter had been scheduled to discuss, consider and vote to adopt the annual Financial Resolutions.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADOPT THE FINANCIAL RESOLUTIONS.

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

OPPOSED: None

SO VOTED

The Financial Resolutions follow:

**TOWN OF HOPKINTON, RI
FINANCIAL RESOLUTIONS**

RESOLUTION NO. 1

RESOLVED: In accordance with R.I.G.L. 44-5-1 et seq, that the electors of the Town of Hopkinton qualified to vote on any proposal to impose a tax or for the expenditure of money, in a Town Financial Referendum, lawfully assembled on the 14th day of June A.D. 2016 and approved a budget for Fiscal Year 2016-2017. The estimated tax rate for Real and Tangible property is \$20.64, an increase of \$0.26 from the current rate of \$20.38. The tax rate for Motor Vehicles is \$21.18.

RESOLUTION NO. 2

RESOLVED: the voters of the Town of Hopkinton in consideration of the question on the June 14, 2016 Town Financial Referendum Ballot did approve the following:

Local Question 1 - Restricting \$10,000.00 from the unspent balance of Salt & Sand Budget Line Item #5350-6000 in the 2015/2016 Fiscal Year Public Works Department Budget, be placed into the Public Works Emergency Winter Operations/Snow Removal Restricted Account; and

Local Question 2 - Authorizing the Hopkinton Land Trust to sell property owned by the Hopkinton Land Trust located at 17A/17B Alton Bradford Road identified as Assessors Plat 23 Lot 64 consisting of 45,828 square feet as shown by Administrative Subdivision Survey dated June 24, 2015, recorded in Land Evidence Records on July 20, 2015 in Book 17 Page 3.

RESOLUTION NO. 3

RESOLVED: That the Town Finance Director be and is hereby authorized and empowered to credit to any appropriations fund any receipts or donations which apply against that fund and all others not so designated to the General Fund.

RESOLUTION NO. 4

RESOLVED: That the several appropriations specified be expended under the direction and supervision of the Town Council, except those pertaining to public school, bills payable, and interest which sum shall be disbursed and paid out by the Town Finance Director.

RESOLUTION NO. 5

RESOLVED: That the Town Finance Director of the Town of Hopkinton be and is hereby authorized and empowered to borrow upon the credit of the Town as the same may be necessary during the present Fiscal Year such sum or sums as may be required to meet the expenses and obligations of the Town, provided however, that such loans shall not at any time exceed the sum of one million five hundred thousand dollars (\$1,500,000.00).

RESOLUTION NO. 6

RESOLVED: That the over-expenditures in the 2015-2016 Fiscal Year Budget, identified by the Town Finance Director, are hereby approved.

TAX RESOLUTION

RESOLVED: That the Town Council of the Town of Hopkinton based on the budget adopted by vote of the Town Council on June 20, 2016 pursuant to section 2370 of the Hopkinton Town Charter following approval of the proposed FY 2016/2017 budget by the voters at the Financial Town Referendum on June 14, 2016, hereby impose a tax levy at a Town Council Meeting held this 20th day of June 2016, and order the apportionment and collection of a tax on the ratable real estate and tangible personal property in a sum not less than \$16,240,635.00 and not more than \$16,640,635.00. Said tax is for ordinary expenses and charges of the Town, for payment of interest and indebtedness, and for the purposes authorized by Law. The Assessor shall apportion said respective taxes upon the assessed valuations of the ratable property of said Town as determined by the said Assessor of the Town as of the 31st day of December A.D. 2015, at twelve o'clock midnight, according to Law. The said respective Tax Levies shall be applied to the assessment roll as aforesaid and the resulting tax roll certified by the Assessor to the

Town Clerk not later than the 15th day of July A.D. 2016. The Town Clerk on receipt of said completed tax roll shall forthwith make a copy of the same and deliver it to the Town Finance Director, who shall forthwith issue and affix to said copy a Warrant under his hand, directed to the Collector of Taxes of said Town, commanding her to proceed and collect said taxes of the persons and estates liable therefore. Said Taxes shall be due and payable on and between the first day of August and the eighth day of September A.D. 2016 next, and/or may be paid in equal quarterly installments, the first installment of twenty-five per centum on or before the eighth day of September A.D. 2016, and the remaining installments as follows:

Twenty-five per centum on the eighth day of December A.D. 2016, twenty-five per centum on the eighth day of March A.D. 2017 and twenty-five per centum on the eighth day of June A.D. 2017. Each installment of taxes, if paid on or before the last day of each installment period, successively and in order shall be free from all charge for interest.

EXCEPTING HOWEVER, that where the combined total of said tax and additional tax levied is an amount not in excess of one hundred dollars (\$100.00) it shall be due and payable in a single installment on and between the first day of August and the eighth day of September A.D. 2015.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period, or periods, as they occur, then the unpaid quarterly payments shall be due and payable immediately and shall bear interest on any unpaid quarterly payments at the rate of twelve (12) per centum, per annum.

RESOLVED: That the Collector of Taxes shall collect and pay unto this Town's Treasury, as the same is collected, the tax this day ORDERED.

Councilor Capalbo stepped down and recused herself from the following matter.

CROSSMAN ENGINEERING'S COST PROPOSALS RE: ESTIMATION OF MINEABLE MATERIAL REMAINING AT 97 HIGH STREET

This matter had been scheduled to discuss and consider Crossman Engineering's submitted (alternative) cost proposals to estimate the remaining volume of mineable earth/soil material that could be removed from 97 High Street, AP 4, Lot 2 and as appropriate, to consider and vote on motion as to whether or not to allocate or appropriate a specified amount of Town funds to pay for such professional services from Crossman Engineering.

Councilor Buck pointed out the Bethel Village homeowners had sent the Town Council a copy of the minutes of a February 19, 2015 Zoning Board Meeting transcript where it stated "It's been pretty well mined out as far as what can effectively be removed and it's looking for a new use. Mr. Turrisi is, to the best of my knowledge, presently using the site bringing stone and gravel materials onto the site, for sorting and screening". Councilor Buck did not see any reason to spend money to determine the amount of material remaining. Councilor

Thompson noted it has been stated that it was an acre or less, a minor amount. She

felt it was time to move forward and approve the Earth Removal Registration Renewal. Council President Landolfi added that there is an appeal presently pending before the Zoning Board. Councilor Husband felt the burden should be on Mr. Turrisi, not the Town, as it pertains to determining the amount of mineable material that can be removed from the site which had no connection to the bringing in, processing material and shipping it out again. He did not believe he should be bringing in material for processing. Council President Landolfi shared the Council's thoughts. He noted this matter would have no bearing on the renewal of the Earth Removal Registration. It was the consensus of the Town Council that there was no need to expend funds to estimate the amount of material remaining at 97 High Street. The Council thanked Mr. McGarry for obtaining the estimates from the engineering firm.

Councilor Capalbo was reseated.

PUBLIC FORUM

No one spoke during the second public forum.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk