

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of September 2016 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:45 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. Absent: William McGarry.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5 (A) (1) INTERVIEWS FOR BOARDS & COMMISSIONS.

POLL VOTE:

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO RECONVENE IN OPEN SESSION.

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

OPPOSED: None

SO VOTED

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

HEARINGS

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

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

OPPOSED: None

SO VOTED

SPECIAL EVENT PERMIT

Council President Landolfi announced the application for a Special Event Permit for a Music in the Valley Free Concert filed by Christine Anderson on behalf of the Friends of the Hopkinton Land Trust scheduled for Saturday, September 10, 2016 from 4:00 PM to 7:00 PM at the Depot Square Park, 1 Mechanic St., Hope Valley, RI 02832 identified as AP 27 Lot 176.

Martin Bide, Treasurer of the Friends of the Land Trust was present on behalf of the applicant. The application was complete. Councilor Husband asked about the type of music to be played – acoustic or amplified, expressing concerns about excessive noise. Mr. Bide was not certain about this. Councilor Thompson was under the impression that there was no electricity available at the park. Councilor Capalbo wished them well with the event and hoped the parking would be sufficient. Councilor Buck referred to Section 21 of the application that explained the music would be a very acceptable level; no loud music would be at this family friendly event. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE SPECIAL EVENT PERMIT FOR A MUSIC IN THE VALLEY FREE CONCERT FILED BY CHRISTINE ANDERSON ON BEHALF OF THE FRIENDS OF THE HOPKINTON LAND TRUST SCHEDULED FOR SATURDAY, SEPTEMBER 10, 2016 FROM 4:00 PM TO 7:00 PM AT THE DEPOT SQUARE PARK, 1 MECHANIC ST., HOPE VALLEY, RI 02832 IDENTIFIED AS AP 27 LOT 176 AND TO GRANT A WAIVER OF THE FILING FEE AND LICENSING FEE.

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

CONSENT AGENDA

The Town Council Meeting Minutes of August 1, 2016; Executive Session Minutes of August 1, 2016; Town Council Meeting Minutes of August 15, 2016; Executive Session Minutes of August 15, 2016 were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Executive Session Minutes of August 1, 2016; Approve abatements due to corrections/adjustments to motor vehicles submitted by the Tax Assessor.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

ABSTAIN: Buck

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE EXECUTIVE SESSION MINUTES OF AUGUST 15, 2016.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

ABSTAIN: Buck

OPPOSED: None

SO VOTED

Corrections were made to the August 15, 2015 Town Council Meeting Minutes on page 11, nine lines from the bottom, striking “amber” and striking “and not have them on at 2:00 AM” from the sentence.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF AUGUST 15, 2016 AS CORRECTED.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

ABSTAIN: Buck

OPPOSED: None

SO VOTED

Corrections were made to the August 1, 2016 Town Council Meeting Minutes on page 4, four lines from the bottom to strike “not” from the sentence; on page 5, to correct who made the motion to adjourn as it could not be the Council President.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF AUGUST 1, 2016 AS CORRECTED.

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

OPPOSED: None

SO VOTED

COUNCIL PRESIDENT REPORT

Council President Landolfi expressed his appreciation to Public Works Department for their assistance helping a resident on Old Depot Road with a situation involving a rotten tree located near the road and when they arrived they actually found more rotted trees near the road so they took out three trees.

PUBLIC FORUM

Scott Bill Hirst of 20 Maple Court expressed his criticism to the Council; that the Town Council was made up of five people; not limited to the Town Council President. He mentioned that the Council was on record against the Transit Hub but no letters had been formally sent to the Governor. He questioned who spoke for the Town Council; the Council President can in emergency situations but as it as the philosophy of the growth of the Town should be by the five people. He noted a letter of support was sent by the Town Manager with the approval of the Council President in June 2, 2015, and the State went forward with this support and applied for the TIGER grant. He felt the Council President can act in matters of emergencies but this had not been emergency it should have been placed on an agenda for Council consideration. Now a year later the Town Council adopts a position opposing it; there had never been a vote in support of the TIGER grant. He noted he is a Council candidate and would be addressing this matter. Council

President Landolfi responded as the comment seemed to be addressed to him and noted there was only one day to decide whether to send a letter in support of the TIGER grant. He did give approval to send the letter but he did not want there to be any confusion on the TIGER grant and the eventual finding out the facts about the Transit Hub which led to a resounding “no” vote by the Council. He stated he had an editorial published in the newspapers. He felt Mr. Hirst was being disrespectful; recommended he read the editorial and wished him well in the election.

Margaret Smith of 12 North Drive felt the Eminent Gravel Bank renewal was to have been scheduled for September 6, 2016, She stated the Town Council suddenly moved in August to approve it without adequate input from the community. She explained her parents bought the house in 1984 and in 1988 had hired a lawyer as the sand pit sides were so steep that his property could be taken in the event of a major storm like a hurricane because sand liquefies in water and the natural angle of repose for dry sand is 15°, any steeper than that brings the land into question. In 1995 after the sand pit was closed as a commercial venture – her mother went back to the law firm and eventually there was an agreement with the owners that no further excavation would be done in the corner of her parent’s property, the area of Route 216, the access road and the sides of the pit were regraded. She referenced Mr. DiOrio’s maps where this is apparent but there were no limits on where they can take that sand when the soil excavation permit was granted and if it is adjacent to the road near the pit, the only area where sand is available, it will eat away at their road. If they go into that corner and excavate it will put Route 216 in jeopardy as well as the properties located in that area, so she could lose her property; stone wall, garage, back yard, should we get a storm. She hoped the Town can help once a new building inspector is in place who will enforce the zoning laws. She hoped the certificate that was issued by the previous building inspector could be revoked as it does not follow the zoning ordinance which says there is a pre-existing, non-conforming to excavate sand which does not require a dump truck or a screener. The zoning certificate implies they can do anything and last Monday from 7:00 AM to 11:00 AM he was running the

screeener; there were loud bangs and jarring noises from what she assumed were dump trucks. She felt this to be not acceptable, 200 foot buffer precedes current zoning. There should be limits on the slopes; slopes less than 15° should not be permitted to give protection to the property owner. The application does not indicate where he intends to mine and that is a fault, the Council should ask for. In working on issue, they thought we had protection, but there are no rules with aquifer, there is protection if it goes into a stream or river but not an aquifer and she asked the Council to work with legislators and DEM to address it.

Solicitor McAllister noted this is an open forum and Mrs. Smith can speak. He noted the matter has been on the agenda many times and the Council cannot respond tonight as it would be a violation of the open meetings act; it would have to be scheduled on an agenda. Mrs. Smith had no issue with this but did take issue with how it had been scheduled. Councilor Buck asked the difference between the Council President responding to Mr. Hirst and his response to Mrs. Smith.

Solicitor McAllister explained there was a personal privilege aspect; the topic discussed previously was in the form of a criticism of the Council President and there is a limited personal privilege exemption for him to respond without going into detail in a limited temperate way, which was what was done.

Michael Geary of 229 Ashaway Road noted he was an Independent candidate for a State Representative District seat and had been at a couple of meetings where this issue of the sand pit was a concern to residents. He hoped that bringing in a new building inspector would be a good thing.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk