

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of February 2019 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 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst, Barbara Capalbo, Sylvia Thompson, Sharon Davis; 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 ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A) (1) BOARD-COMMISSION INTERVIEWS - RECREATION COMMISSION.

POLL VOTE:

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Council President Landolfi noted that the person being discussed had been notified in advance in writing and advised that they have the right to have the discussion held in open session. He stated no votes were taken in Executive Session.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

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 HIRST TO SIT AS A LICENSING BOARD.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

COMMERCIAL HAULERS LICENSE RENEWALS

The Council opened a hearing on the renewal of the following commercial haulers license: Steven Piccolo Jr. & Sons, Inc., 7 Boombridge Rd., Westerly, RI. Corrections to the application had been made, filing fee received and notice posted. It was noted that there was a correction made to the original application.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO GRANT RENEWAL OF THE COMMERCIAL HAULERS LICENSE TO STEVEN PICCOLO JR. & SONS, INC.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

SPECIAL EVENT PERMIT

The Council opened a hearing on an application for a Special Event Permit filed by Martin Liese on behalf of the Ashaway Sportsmen's Club, 45 Gun Club Path, P.O. Box 257, Ashaway, RI 02804 to hold the annual Huck Finn Day scheduled for Sunday, June 2, 2019 from 8:00 AM to 3:30 PM (rain date June 9, 2019) at Crandall Field, 188 Main Street, Ashaway, RI 02804.

Mr. Liese was present and stated that this was their 70th year for hosting the Huck Finn Day. The application was complete and no waivers were requested. The event is co-sponsored by the Recreation Director and no fees were due.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO GRANT THE SPECIAL USE PERMIT TO THE ASHAWAY SPORTSMAN'S CLUB FOR THE ANNUAL HUCK FINN DAY.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Councilor Thompson advised that they also needed to make a motion to waive the filing fee. Council President Landolfi stated that this event was co-sponsored by the Hopkinton Recreation Department so it was not necessary.

CLASS F LIQUOR LICENSE

The Council opened a hearing on an application for a Class F Liquor License filed by Langworthy Public Library for a fundraiser to be held at the library scheduled for Saturday, June 15, 2019 from 6:00 PM to 9:00 PM.

A representative was not present. The matter was held over until such time as a representative arrived.

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

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO APPROVE CONSENT AGENDA AS FOLLOWS:

Approve the Town Council Meeting Minutes of February 4, 2019; Accept the February 4, 2019 transcript as the record of the Zoning Ordinance Amendment & Comprehensive Plan Future Land Use Map Amendment hearing filed by Joyce K. Luzzi/Joyce K. Luzzi Living Trust; Approve Special Town Council Meeting Minutes of January 28, 2019; Accept the January 28, 2019 transcript as the record of the decision on the Zoning Ordinance Amendment & Comprehensive Plan Future Land Use Map Amendment filed by Southern Sky Renewable Energy RI, LLC, LR6-A Owner LLC & Realty Financial Partners VI LP; Accept the following monthly financial/activity report: Town Clerk; Approve refunds submitted by the Tax Collector resulting from approved abatements of 2016 &

2017 RP Tax; Approve abatements resulting from an adjustment on tangible property submitted by the Tax Assessor.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joseph Moreau of Old Depot Road spoke about the revenue the Town received from cell phone towers and decided to do some research concerning these towers. He found that many of these towers were put on town property or school property. He wondered if a cell tower could be put up on the Stubtown Road dump site, as well as solar panels. He also found out that flagpoles can be utilized as cell phone towers and thought this may be a way for the Town to obtain some additional revenue.

Dorothy Gardiner of Canonchet Driftway wished to address the recent solar project decisions concerning Exit 2 and the Brushy Brook project. She stated that more than 55% of Rhode Island's land mass is forest. She felt the rights of the landowners were being overlooked and the Town Council had a fiscal and moral responsibility to protect the Town and make decisions that are fit for everyone, not just a group of people. Mr. Moreau disputed what Ms. Gardiner suggested and stated that the residents who spoke against solar had obtained facts and information on which they formed their opinion.

Thomas Buck of Church Street spoke as the liaison of the 1904 Building Committee. He indicated that he was at the Town Council's first budget workshop and was taken aback by Council President Landolfi's statement of a 6.02% tax increase and also the statement concerning the money that would need to be taken out of the fund balance because the State may not allow us to go over the 4% cap. He noted the fund balance is our two month cushion that the auditors advise they want the Town to carry. He stated there is a Two Million Dollar bond going out this summer and with a reduction in the fund balance he was concerned that the bond rating will decrease and the interest rate will increase. He reported that he attended a meeting of the 1904 School Committee where he serves as Council liaison and he reported that they have contacted several reclamation

companies and are now looking at razing the building. It was determined that they can only raze the building between the end of June and September before school starts and they will need to go out for RFPs. His recommendation to the Town Council would be that they put off the razing of the building until 2020. He suggested the Council keep \$50,000 in the CIP account for the razing of the school and use the remainder to reduce the Town's financial burden.

Jeff Light of 43 Forest Glen Drive thanked the Town Council for representing the best interest of all the residents and for evaluating all of the facts regarding these solar projects. Mr. Light inquired about a time line for posting the minutes of the Town Council meetings on the website. Town Clerk Cook-Martin indicated that once the minutes were approved by the Town Council they were usually posted by the end of that week. Carolyn Light of 43 Forest Glen Drive also thanked the Council and reiterated that children are not burdens to the Town. Ms. Gardiner clarified one of the statistics that she had mentioned earlier.

Donna Bodell was in attendance as it pertained to the Class F Liquor License.

HEARING

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

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

CLASS F LIQUOR LICENSE

The Council opened a hearing on an application for a Class F Liquor License filed by Langworthy Public Library for a fundraiser to be held at the library scheduled for Saturday, June 15, 2019 from 6:00 PM to 9:00 PM.

Ms. Bodell was present. She clarified the time for this event will be 7 PM to 9 PM.

The application was complete and no waivers were requested.

Councilor Hirst wished the Library much success and Councilor Thompson stated that this was a yearly spring event. Ms. Bodell stated that Wyoming Package

Store usually supplied them with wine and beer, the Board Members do the serving, and tickets are \$25.00.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO GRANT THE CLASS F LIQUOR LICENSE FILED BY LANGWORTHY LIBRARY.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

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

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

OLD BUSINESS

COMPREHENSIVE PLAN & ZONING ORDINANCE MAP AMENDMENT RE: JOYCE K. LUZZI/JOYCE K. LUZZI LIVING TRUST

This matter had been scheduled to render a decision on a Petition for a Comprehensive Plan Future Land Use Map Amendment and a Zoning Ordinance Map Amendment filed by Joyce K. Luzzi/Joyce K. Luzzi Living Trust, 145 Sakonnet Blvd., Narragansett, RI 02882 for property located at 165A Tomaquag Road identified as Plat 5 Lot 6, a Manufacturing Zone, to amend the Comprehensive Plan Future Land Use Map from Manufacturing to Medium-Density Residential and to rezone the parcel from Manufacturing to R-1 and heard on February 4, 2019. 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 CAPALBO TO APPROVE THE REQUEST FOR A FUTURE LAND USE MAP AMENDMENT TO PLAT 5, LOT 6, 165 TOMAQUAG ROAD, WITH THE FOLLOWING WAIVERS: SOIL EROSION AND STORMWATER CONTROL PLAN, LETTER FROM A BIOLOGIST

STATING THAT THERE ARE NO FRESHWATER WETLANDS ON THE SITE OR IN CLOSE PROXIMITY TO THE SITE; THERE IS NO NEED OF A TRAFFIC STUDY AND A WAIVER OF EVIDENCE THAT REQUIRES THE WATER SUPPLY TO BE SUFFICIENT TO SUPPORT THE PROPOSED ACTIVITY.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE REQUEST FOR AN AMENDMENT TO THE FUTURE LAND USE MAP FOR PLAT 5, LOT 6, FROM MANUFACTURING TO RESIDENTIAL R-1.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

NEW BUSINESS

DISCUSSIONS W/HOPKINTON MEMBERS OF CHARIHO SCHOOL COMMITTEE

A discussion with Hopkinton members of Chariho School Committee commenced to discuss the proposed 2019-20 school budget, school-financed outside management study, forensic audit and state aid to education. Present: Catherine Giusti, Sylvia Stanley, George Abbott and Lisa Macaruso. Also present: Chariho Director of Administration and Finance Susan Rogers.

Councilor Davis advised that she had spoken with Susan Rogers and she had sent her a summary page based on the last meeting, and the bottom line in the Town's budget would be a little bit less now. She handed out the summary page.

Councilor Davis asked if she could ascertain figures, line by line, of what the School Committee has approved for changes so they can compare that with what was recommended. She stated 78% of the budget is attributable to the school so their budget really affects the Town and every year they ask for a Two Million Dollar increase; however, they haven't spent One Million of the previous budget. She noted at one meeting the School Committee's goal was to cut no salaries and

cut no programs; however, some schools, such as South Kingstown, are cutting people. She is not asking for that, just for them to reduce the budget on the program side. She felt they should be able to reduce the budget and still provide quality education to the children. She asked the School Committee members to look at the proposed budget and to represent the Town interests in reducing this budget. Councilor Hirst stated that he had written a letter to the Westerly Sun and clarified he supports the School Committee stipends because it is tough to get people to run for these positions. He would like to know what the maintenance of effort number is for Charho's budget since we have to comply with the maintenance of effort amount, which is everything minus non-recurring expenses. Council President Landolfi advised that Susan Rogers had just emailed him that maintenance of effort spreadsheet but he hadn't had a chance to look at it and he did provide it to Finance Director Rosso. Staffing and labor costs are a very significant cost and he would like to see those costs. Councilor Thompson asked about the expense side of the General Fund and if there was a decrease. She stated it was very difficult to get the Superintendent to decrease the expenses. It was explained that on the next to the last page of the handout that the Council was provided it answered Councilor Thompson's question. Councilor Thompson stated that when you look at the audit of the general fund budgetary highlights, the employee compensation category and employee benefit category, then you go back and look at the actual budget, there is \$1.5 Million left from the employee benefits category and the employee compensation part was actually lower as well. Those are the two big categories. Sylvia Stanley indicated that she had read the letter in the newspaper written by Councilor Hirst which called for ending the stipend for the School Committee members and indicated that this would draw more people, which she believed was a mistake. Last year they reduced the stipend by \$25,000 in their desire to help lower the budget. Then she read that the Council wants some auditor to come in and look over their administration which would cost more money. They cannot reduce the budget and then bring in an expense. A forensic audit is usually done if you suspect there is criminal activity going on. Council President Landolfi indicated that his intent was to have a separate set of eyes look at the budget to see if there were any areas that could be

decreased. Ms. Stanley indicated that they are audited every year and that audit was available for anyone to review. Ms. Stanley indicated that she was concerned with the fund balance which their auditors recommend should be about 4% but they have kept it around 2%. If they did not spend a Million Dollars from the budget this year it would go into that fund balance and be used to reduce the new budget. Councilor Davis believed that this should be looked at because they shouldn't be overcharging the taxpayers to have extra money in the fund balance. Ms. Stanley indicated that the Commission of Education may be leaving; however, his idea is that any child in Rhode Island can go to any school in Rhode Island. She noted we already spend about \$50,000 to send one child to North Kingstown and we have a few other children going to other schools. Councilor Thompson indicated that about three or four years ago the auditor had spoken about having 2% to 4% in the fund balance which she could understand if you were a single town school district; however, we are not. She noted the Town tries to have enough money in its own fund balance to cover two months of expenses. Towns need to have a fund balance of two months so that their checks don't bounce in June or July until the revenue from the taxes come in; however, the school district is very different. She is of the opinion that schools do not need to have a fund balance because they do not get their money from taxation, they send the bill to the Town and the money comes in, they don't have to wait to be paid. Council President Landolfi stated that the Town is looking at an increase of 83 cents which is directly related to the school budget and \$97,000 in reduced aid in education. We have 21 new kids that are in the school district but 61 children have left Charlestown. At a municipal level the Town cannot do anything if it is above the 4% cap. If they do not obtain approval from the State Auditor General to go above the 4% then they will have to take more money out of their fund balance. The tax levy adjustments have been made by the Finance Director and we are about \$162,000 off which means if the Auditor General says no to anything above the 4% increase, they will have to add in another \$162,000 from the fund balance. They need the school budget to be reduced by \$440,000 to avoid that scenario. Ms. Stanley reported on another issue of the Governor decided to redo the formula for transportation. The Chariho School District has

the largest transportation area in the State and there were twenty-one people appointed for the committee which the Governor chose and not one of them was from South County. Ms. Stanley indicated that she had called our legislators and asked them why and then she also called the Governor's office and was told that it was too late to put anyone else on the committee. Yet she found out two weeks later they appointed someone else to the committee who was from Warwick. If they had more support then they may have been able to stop this. Councilor Thompson asked Ms. Stanley to let the Council know if they ever need support of any type. Mrs. Stanley had to leave the meeting. There was discussion about a management study which would review labor costs, staffing and things of that nature. Councilor Hirst wished to hold the State more accountable, and felt the School Committee, Rhode Island Association of School Committees should try to come up with a way to encourage additional State aid for education and the Town should be using the Rhode Island League of Cities and Towns to promote obtaining more money for education. He felt that what will occur in the smaller towns is they will be forced to take in any type of development in order to lower property taxes. He asked the School Committee members what political pressure they would support in order to better address and generalize their property tax on education. Lisa Macaruso deferred to George Abbott. George Abbott's opinion was to obtain a good lawyer to sue and open up the Chariho Act in order to obtain a better deal. Councilor Thompson clarified the idea of a management study; previously the three towns had agreed to chip in. She stated that this was for a management study of the administration because they thought it was top heavy at the time. Councilor Capalbo stated that she has been dealing with the School Committee for a decade and currently Charlestown has lost 61 children, Hopkinton has gained 21 and she believed Richmond gained 11, which equates to a net loss of 29 students. In this budget they have added a teacher to Richmond's third grade. She generally would not ask to cut teachers or programs; however, she feels they can possibly cut administration. Some relatively easy cuts, she felt, could be the maintenance of effort figure which she asked be level funded and the amount in the fund balance policy be dropped. She noted Councilor Davis found \$500,000 that could be cut. She too felt it was crucial to get the State to support

education. Council President Landolfi asked how far above the maintenance of effort number the budget was at this time and it was indicated that they were actually below that number by \$189,000. Council President Landolfi asked the three remaining School Committee members if they had any further plans on attempting to reduce the budget. Lisa Macaruso stated that there were several comments of interest that she will bring up at the next meeting such as the 2% fund balance which she felt was worth looking at again and she was going to learn a little more about the maintenance of effort amount. She believed there were two or three more meetings where they can address the budget. Catherine Giusti advised that they have invited their local legislators to the second meeting in March which the Council may also wish to attend. It was to discuss the issues that Mr. Hirst had brought up and they agreed that the State should do more to fund education. Councilor Thompson wished to question the bussing issue, however, Ms. Macaruso advised that this wasn't on the agenda so they could not talk about it. Councilor Thompson asked about overcrowding in the past and how they had placed temporary classrooms at the Hope Valley School and Ashaway School. She has heard that Richmond is overcrowded and she asked that they look at portable classrooms. Ms. Macaruso indicated that she would refer that to her Richmond counterparts. Joseph Moreau asked Ms. Giusti if the budget was available online to look at and she indicated yes, it was on the Chariho website. Ms. Macaruso thanked the Council for their hard work and she stated that she has taken notes and will look into making changes to the budget.

PROPOSED BINDING ARBITRATION EXTENSION

Council Vice President Hirst had asked for discussion regarding binding arbitration being extended to certified public school teachers and municipal employees (H5260). Councilor Hirst stated that one thing that drives a town budget is when arbitrators make a ruling and the local council does not approve the decision of the arbitrators and since labor costs are so expensive they wreak havoc with the budget. This is an issue that the Rhode Island League of Cities and Towns is concerned about; and that is arbitration awards not taking into consideration the town's ability to pay. Councilor Capalbo agreed that this was something that they should keep track of but she believes nothing will happen

because there is no matching senate bill. Council President Landolfi indicated that everyone agrees that binding arbitration is a detriment if it grows to include municipal employees in addition to the police. Town Manager McGarry felt this was a bad bill and reported on February 6, 2019 the committee recommended a further study. The key issue with this proposed legislation is that it is binding arbitration for monetary matters where there is an outside arbitrator who is unfamiliar with the town and what he says goes and this really usurps the authority of the Town Council.

BOARDS & COMMISSIONS:

Zoning Board of Review

This matter was scheduled to discuss, consider and vote to reappoint Daniel Baruti as alternate to the Zoning Board of Review. Mr. Baruti would like to be reappointed.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO REAPPOINT DANIEL BARUTI AS ALTERNATE TO THE ZONING BOARD OF REVIEW.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

PUBLIC FORUM

Luther Davis of Cedarwood Lane wished to address the land values of homes adjacent to solar projects and stated that he had researched some of the information provided to the abutters of the Brushy Brook project. In those values they were not using existing old homes, they were taking new construction which do not compare to the sale of an older home. He believes there is an effect on home sales next to a solar project. Mr. Davis also felt Ms. Stanley was requesting help from the Council to contact our representatives regarding having a member on the transportation committee which decides our transportation costs. He felt the Council should write a letter to the representatives requesting this be done.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR CAPALBO TO ADJOURN IN MEMORY OF FORMER FIRST
LADY JOYCE ANNE NOELLE.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk