

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of September 2019 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 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst, Barbara Capalbo, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin. Absent: Sylvia Thompson.

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

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

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

**SCHEDULE SHOW CAUSE HEARING RE: ABK, LLC D/B/A BONEYARD BBQ AND SALOON**

This matter had been scheduled for the Town Council sitting as licensing board to discuss and consider scheduling a Show Cause Hearing before the Hopkinton Town Council, sitting as the Town's Liquor License Board, to consider sanctions related to the Class BV liquor license of ABK, LLC, d/b/a Boneyard BBQ and Saloon, 15 Frontier Road, Ashaway, Rhode Island.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO THAT THE TOWN COUNCIL SITTING AS A LICENSING BOARD SET MONDAY, SEPTEMBER 30, 2019 AT 6:30 PM IN THE TOWN HALL MEETING ROOM AS THE DATE OF THE SHOW CAUSE HEARING TO CONSIDER SANCTIONS RELATED TO THE CLASS BV LIQUOR LICENSE OF ABK, LLC, D/B/A BONEYARD BBQ AND SALOON, 15 FRONTIER ROAD, ASHAWAY, RHODE ISLAND.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

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

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

The Town Council Meeting Minutes of September 3, 2019 were removed from the Consent Agenda.

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

FOLLOWS: Accept the following monthly financial/activity report: Town Clerk; Approve request of Locustville Properties to open the roadway at 10 Locustville Road, Hope Valley identified as Map 27 Lot 135 to excavate a trench to connect a service pipe to the waterline; Approve refunds from taxes being paid by both the taxpayer and Corelogic resulting in overpayments of 2019 real property tax, submitted by the Tax Collector; Approve abatements due to motor vehicle and tangibles adjustments and a real estate correction submitted by the Tax Assessor.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

On page 3, line 4, Councilor Capalbo asked that the Neighbor to Neighbor Group mentioned there be correctly identified as Neighbors Helping Neighbors Group out of Charlestown, RI to identify them correctly and give the group proper credit.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF SEPTEMBER 3, 2019 AS AMENDED.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

No one spoke during the first public forum.

**COUNCIL PRESIDENT REPORT**

Council President Landolfi reported that he had asked the Town Clerk to make a calendar of the meetings which were scheduled for the Council and he thanked her for doing that. He asked if the calendar could be added to the Town's website so that it could be updated and changed from time to time. Town Clerk Martin advised that there was already a Town calendar on the website which they were attempting to keep up-to-date.

**OLD BUSINESS:**

**SET HEARING DATE RE: CENTRICA BUSINESS SOLUTIONS ZONE AMENDMENT & COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT – KAREN & JAMES CHERENZIA, 201 CHASE HILL ROAD**

This matter had been scheduled to discuss and consider setting a hearing date for Zone Amendment & Comprehensive Plan Future Land Use Map Amendment filed by Centrica Business Solutions for the following property continued from 09/03/19: Karen & James Cherenzia, 201 Chase Hill Road; AP 2, Lot 32.

The applicants' attorney, Steven Surdut Esq. was present.

The Council set Monday, November 25, 2019 as a hearing date beginning at 7:00 PM at the Hope Valley Elementary School, 15 Thelma Drive, Hope Valley, RI 02832. In response to a Council question, Attorney Surdut acknowledged he would be ready to move forward at that time.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

**NEW BUSINESS:**

**POSSIBLE AMENDMENT TO RICHMOND-HOPKINTON WATER LINE AGREEMENT RE: AP 27 LOT 129**

This matter had been scheduled to discuss, consider and possibly vote to approve an amendment to the Richmond-Hopkinton Waterline Agreement that adds and hereafter includes Hopkinton AP 27, Lot 129 and direct the Town Manager to refer this matter to the Richmond Town Council for their consideration.

Town Manager McGarry advised that he had previously submitted two memorandums to the Hopkinton Town Council with respect to Hope Valley's water system connection request of the First Baptist Church, Plat 27, Lot 129, to be hooked up to the Hope Valley waterline. Mr. McGarry indicated that he had met twice with Peter Toy, as did the Town Planner and also the Town Administrator from the Town of Richmond. There was a recent administrative subdivision of property which put part of Lot 129 in the map and the other part outside the map. He believed the easiest solution, if the Council wished was to approve an amendment to the waterline agreement, and add Hopkinton Assessor's Plat 27, Lot 129 into Exhibit A. Karen Pinch has this matter on the agenda for the Richmond Town Council for discussion tomorrow night. If the Council sought to approve this, the Richmond Town Council and their Town Solicitor are requesting that the matter be referred from the Hopkinton Town Council to the Richmond Town Council for consideration. Council President Landolfi asked if First Baptist Church was located on Main Street in Hope Valley and Mr. McGarry indicated it was. Councilor Hirst stated that it looked to him like everything was in order and he had no problem with this.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO APPROVE AN AMENDMENT TO THE HOPKINTON-RICHMOND WATERLINE AGREEMENT THAT ADDS, AND HEREAFTER INCLUDES, HOPKINTON ASSESSOR'S PLAT 27, LOT 129 INTO EXHIBIT A AND TO REFER IT TO THE RICHMOND TOWN COUNCIL FOR CONSIDERATION.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

**RESOLUTION RE: LEASE PURCHASE AGREEMENT**

This matter had been scheduled to discuss, consider and vote to approve a Resolution authorizing a lease purchase agreement for the purchase of vehicles and equipment for use by the Department of Public Works and Police Department.

Finance Director Brian Rosso was present and stated that these projects were formally adopted in the FY 2019/2020 CIP, so it had already been approved by Council. The financing company wished to see a Resolution and this was just a formality. Mr. Rosso stated that it was only the Municipal Leasing Consultants who wished to see this Resolution.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO ADOPT THE RESOLUTION AUTHORIZING A LEASE PURCHASE AGREEMENT FOR THE PURCHASE OF VEHICLES AND EQUIPMENT FOR USE BY THE DEPARTMENT OF PUBLIC WORKS AND POLICE DEPARTMENT.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

The Resolution follows:

**THE TOWN OF HOPKINTON**

**RESOLUTION AUTHORIZING THE PURCHASE OF A TRUCK FOR USE BY THE DEPARTMENT OF PUBLIC WORKS AND TWO VEHICLES FOR USE BY THE POLICE DEPARTMENT AND THE FINANCING THEREOF THROUGH A LEASE PURCHASE AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Town desires to enter into a lease purchase agreement for a truck for use by the Department of Public Works and two vehicles for use by the Police Department (collectively, the "Vehicles"); and

WHEREAS, the Vehicles are essential for the Town to perform its governmental functions; and

WHEREAS, the Town has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the purchase of the Vehicles and for the lease purchase financing thereof through Municipal Leasing Consultants or one of its agents or assignees, in a principal amount not to exceed \$153,000.

RESOLVED that:

SECTION 1. The Town Council hereby authorizes the Finance Director and the President of the Town Council, acting on behalf of the Town, to purchase the Vehicles and to finance the same through a Lease Purchase Agreement and related documents (the "Financing Documents"), subject to annual appropriation therefore by the Town.

SECTION 2. The form and other details, terms and conditions of the Financing Documents shall be fixed by the Finance Director and the President of the Town Council.

SECTION 3. The Finance Director and the President of the Town Council, each acting singly, is hereby authorized to enter into the Financing Documents and said officers are hereby authorized and instructed to take all actions, and to execute and deliver the Financing Documents and any related agreements, certificates and other documents in such form as they may deem necessary or desirable to implement the lease purchase financing of the equipment. To the extent that the Financing Documents contemplate tax-exempt lease financing, such officers are also authorized to take all action, on behalf of the Town, necessary to insure that interest component of the lease payments will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause the interest component of the Lease to become subject to federal income taxes.

SECTION 4. That this Resolution is an affirmative action of the Town Council of the Town toward the execution and delivery of the Financing Documents in accordance with the purposes of the laws of the State. This Resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation 1.150(2), to reimburse the Town's General Fund for certain capital expenditures paid on or after the date which is sixty (60) days prior to the date of this Resolution, but prior to the execution and delivery of the Financing Documents. Such amounts to be reimbursed shall not exceed \$153,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the property is placed in service or abandoned, but in no event later than three (3) years after the date the expenditure is paid.

SECTION 5. This Resolution shall take effect upon its passage.

## **PUBLIC FORUM**

Joseph Moreau of Old Depot Road stated that at the last Town Council meeting they were scheduled to set a date to hear the Cherenzia solar project; however, he believed that the Town received a phone call that day indicating that the attorney would be unable to attend the meeting and he asked for a continuance. Mr. Moreau advised that he had spoken with Council President Landolfi twice and Council President Landolfi was to be speaking to the Solicitor about this issue. He felt that this has been a continuing problem and that the Town Council should hold a workshop and decide if they wanted to keep allowing postponements or if they should force these matters forward; this is a time constraint for the residents, as well as the Town Council members. Mr. Moreau felt the applicants should not be able to keep postponing these meetings and after failing to appear at two scheduled meetings, the whole process should start over. Luther Davis of 100 Cedarwood Lane indicated he was pleased that he and his neighbors received calls

from the emergency management system. His only complaint was that if they wanted to communicate through the system it had to be through a social media account, which he didn't agree with, and he felt that email should suffice.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk