

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of February 2016 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, Barbara Capalbo, Sylvia Thompson, David Husband, Thomas Buck; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

The meeting opened with a moment of silent meditation and salute to the Flag.

## **HEARINGS**

### **COMPREHENSIVE PLAN AMENDMENT**

This matter had been scheduled to allow the Council to render a decision re: proposed amendments to the Town's Comprehensive Plan concerning energy consumption and production, natural hazards, and planned improvements to Langworthy Field. A public hearing was conducted on February 1, 2016.

#### **Council Deliberations:**

Councilor Buck questioned page four, under Current Energy Consumption, in the middle paragraph under Municipal Consumption; why those three roads (Wellstown Road, Town House Road and Main Street) were singled out; why there was a difference in price per kilowatt hour and why there was such a discrepancy. Mr. Lamphere reported the research had been done by Fuss & O'Neill and had apparently found that the rates varied depending upon what streetlight it was. Councilor Husband asked wouldn't they be all the same? Councilor Capalbo indicated that was not the case and explained there are metal halide lights and high pressure sodium lights; different lamps have different energy consumption. Councilor Thompson asked about the police station electricity. Mr. Lamphere reported data included the street lights and police station electricity costs. Councilor Thompson felt five cents per kilowatt hours at the Police Station was a good rate. Councilor Husband questioned what could be going on at Wellstown Road. Councilor Thompson noted the lights were very

bright in that area. Councilor Buck requested typographical changes on page six, first paragraph, second line to remove the word “owned” and replace it with “used”; on the second paragraph, first line, replace ”owns” with “has”, second line, same paragraph replace the word “owns” with “has”; third paragraph, first line, replace the word “owns” with “has”.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE AMENDMENTS TO THE TOWN’S COMPREHENSIVE PLAN CONCERNING ENERGY CONSUMPTION AND PRODUCTION, NATURAL HAZARDS, AND PLANNED IMPROVEMENTS TO LANGWORTHY FIELD.

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

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

The Council removed the following two items from the Consent Agenda to allow for additional follow up information: approve refund due to overpayment submitted by the Tax Collector and approve Tax Collector’s request to adjust off two 2011 accounts as uncollectable.

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

FOLLOWS: Approve Town Council Meeting Minutes of February 1, 2016; Set March 7, 2016 as a hearing date for a Solar Energy Collection Facilities Tangible Property Tax Abatement filed by Stano Trombino for property located at 45 Bank Street - AP 28, Lot 122; Accept the following monthly financial/activity report: Town Clerk.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

No one spoke during the first public forum.

## **TOWN COUNCIL PRESIDENT REPORT**

Town Council President Frank Landolfi reported on February 3, 2016 he met with USDA Representative Joanne DeMars, CDBG Coordinator Geoffrey Marchant, Town Manager William McGarry and Town Planner James Lamphere for a preliminary meeting regarding a potential water line extension to determine if funding was available and there is, but the majority of funding would have to be a loan. He reported he attended a meeting on February 9, 2016 with Senate President Theresa Paiva Weed, Senator Elaine Morgan, Senator Dennis Algiere and Superintendent Barry Ricci to make a plea for restoration of Categorical Transportation Funds to be reimbursed to the Chariho School District. He noted Senate President Paiva Weed had taken a lot of notes during the meeting. The restoration amount involved was \$103,288.00.

## **TOWN MANAGER REPORT**

Town Manager William McGarry reported on February 3, 2016, he met with Council President Frank Landolfi, Planner Jim Lamphere, CDBG Coordinator Geoffrey Marchant and Joanne DeMars, a rural development area specialist, from the U.S. Department of Agriculture (USDA), regarding possible future financing to extend the existing Hopkinton water line funded through a combination of USDA grants or loans and some CDBG funding, it was a very preliminary meeting and Mr. Marchant was going to try to develop an RFQ for engineering services to determine logistics; it was a work in progress at this time. Mr. McGarry reported on February 4, 2016, he travelled to the The Trust in East Providence for a one-hour seminar on Employee Disability Pensions. The presentation was much better than he expected and was very informative. It was conducted by RI General Treasurer Seth Magaziner and sponsored by the RI League of Cities and Towns. There was a large audience in attendance consisting of Mayors, Town Managers, Administrators and Town Solicitors to discuss changes in the administrative personnel policies of the Treasurer's Office and possibly, proposed legislation to be presented to the General Assembly in order to reign in employee disability pensions, more so in regards to the length of time it took for them to get approved or denied.

Councilor Thompson expressed interest in being closely involved in the water line extension matter. She noted when the water line was put in and because the USDA only provides for 80% loans and 20% grant, at the time the Town used a combination of FHA funds, which saved a significant amount of money, used CDBG funds and water resources money, so the Town only had to take out a \$100,000.00 loan. She stated unless the Town is able to do the same thing, it would not be worth doing as we would be unable to afford it. She recommended looking at these other sources for funding options. She added there were stipulations from the State that had been handed down relating to conversions of property such as with zoning changes, as an example residential to commercial. The State did not want that to happen. They wanted a septic system designed for a ranch, to stay a septic system for a ranch or it could cause problems. She noted there were many little details to consider.

#### **OLD BUSINESS**

#### **RI INFRASTRUCTURE BANK (RIIB) TERMS AND CONDITIONS RE: COMMUNITY SEPTIC SYSTEM LOAN PROGRAM**

This matter had been scheduled for the Town Council to consider, discuss and vote to authorize the Town of Hopkinton to accept the terms and conditions of the \$300,000.00 loan and financing offered through the Rhode Island Infrastructure Bank (the “RIIB”) under the Community Septic System Loan Program, and to authorize the Town Solicitor to review and execute the necessary loan and related documents on behalf of the Town.

Town Planner James Lamphere was present and reported on February 11, 2016 the Town was issued a letter of approval from RIIB for our application for our \$300,000.00 loan for septic system repair program and that will need to be accepted by the Town of Hopkinton. If it is accepted and after Solicitor review and approval, the paperwork will be returned to RIIB and they will process the closing documents for the loan. Councilor Capalbo asked about Exhibit A, the project identification, she assumed that would be the name, address, phone and email of the project. Mr. Lamphere stated the project is the loan program; it will not identify specific projects, just the program as a whole. Councilor Capalbo asked how an applicant would qualify. Mr. Lamphere stated when people apply

for the loan it would be subject to the provisions that were sent up by the Town Council. Councilor Capalbo asked about the loan application. Mr. Lamphere stated the loan application paperwork has not been prepared at this time. Mr. McGarry recalled that the application paperwork would not be done until the RIIB received a firm commitment from the Town. Councilor Thompson asked where an applicant would go to apply for a loan. Mr. Lamphere stated the application forms would be posted on the Town's website on the front page, the Town Planner's page and the Building & Zoning Department page. He stated the applicants can visit the Town Planner's Office for assistance with the application. After the application is filled out it will go to RI Housing for processing. There is a \$300.00 loan origination fee that must accompany the application.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO AUTHORIZE THE TOWN OF HOPKINTON TO ACCEPT THE TERMS AND CONDITIONS OF THE \$300,000.00 LOAN AND FINANCING OFFERED THROUGH THE RHODE ISLAND INFRASTRUCTURE BANK (THE "RIIB") UNDER THE COMMUNITY SEPTIC SYSTEM LOAN PROGRAM, AND TO AUTHORIZE THE TOWN SOLICITOR TO REVIEW AND EXECUTE THE NECESSARY LOAN AND RELATED DOCUMENTS ON BEHALF OF THE TOWN.

IN FAVOR: Landolfi, Capalbo, Thompson, Buck

OPPOSED: Husband

SO VOTED

#### **NEW BUSINESS**

#### **PURCHASE AND SALES AGREEMENT WITH STATE OF RHODE ISLAND RE: PORTION OF PALMER CIRCLE**

This matter had been scheduled for the Town Council to discuss, consider and vote to authorize the Town Council President to execute a Purchase and Sales Agreement providing for the Town's purchase of that portion of Palmer Circle currently owned by the State of Rhode Island for one dollar (\$1.00), and to go forth and prepare the instruments necessary for the closing transaction, which is the responsibility of the Town, as specified in the Purchase and Sales Agreement.

Mr. McGarry stated over the last several months, the Town has been negotiating with the State of Rhode Island, regarding the sale of 2.15 acres of Palmer Circle from the State to the Town. The Town has already conducted a title search and conducted a Phase I Environmental Site Assessment on the property with results favorable to the Town. In addition, the Town has issued a certified check to the State of Rhode Island in the amount of one dollar (\$1.00) to purchase the property. Once the Town Council authorizes the signing of the purchase and sales agreement, the agreement would go back to the State to the State properties committee for approval then the legal paperwork will be prepared for the closing and transfer. He reported he has been involved in a lot of projects; and this had been very complex matter but it had been handled smoothly.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND THAT THE HOPKINTON TOWN COUNCIL AUTHORIZES THE TOWN COUNCIL PRESIDENT TO EXECUTE A PURCHASE AND SALES AGREEMENT PROVIDING FOR THE TOWN'S PURCHASE OF THAT PORTION OF PALMER CIRCLE CURRENTLY OWNED BY THE STATE OF RHODE ISLAND FOR ONE DOLLAR (\$1.00) AND PREPARE ALL OF THE INSTRUMENTS NECESSARY FOR THE CLOSING TRANSACTION, WHICH IS THE RESPONSIBILITY OF THE TOWN, AS SPECIFIED IN THE PURCHASE AND SALES AGREEMENT.

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

OPPOSED: None

SO VOTED

**RESOLUTION RE: TRANSPORTATION CATEGORICAL AID TO REGIONAL SCHOOL DISTRICTS**

This matter had been scheduled for the Town Council to discuss, consider and vote on a Resolution relative to Transportation Categorical Aid to Regional School Districts. Council President Landolfi noted Resolutions from Charlestown had been received and he has been working on this particular issue so it was very timely to place the matter before the Council for consideration.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED

BY COUNCILOR CAPALBO TO ADOPT THE RESOLUTION RELATIVE TO  
TRANSPORTATION CATEGORICAL AID TO REGIONAL SCHOOL  
DISTRICTS.

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

OPPOSED: None

SO VOTED

The Resolution follows:

**TOWN OF HOPKINTON  
A RESOLUTION RELATIVE TO TRANSPORTATION CATEGORICAL AID  
TO REGIONAL DISTRICTS**

WHEREAS, the Town of Hopkinton (the “Town”) is a member of the Chariho Regional School District along with the Towns of Charlestown and Richmond; and

WHEREAS, TITLE 16 Education, CHAPTER 16-7.2 The Education Equity and Property Tax Relief Act, SECTION 16-7.2-6 clearly says the law was originally implemented to offset the loss of the regional incentive that all regional school districts are eligible for Transportation Categorical Aid; and

WHEREAS, Second, RIGL § 16-7.2-6 e (2) states this fund requires that the state and regional school district share equally the student transportation costs; and

WHEREAS, Chariho is being deprived of \$289,048 in funding for Fiscal Year 2017; and

WHEREAS, the four regional school districts of Chariho Regional, Bristol-Warren Regional, Exeter-West Greenwich Regional, and Foster-Glocester Regional are being deprived of a total of \$727,320; and

NOW, THEREFORE, BE IT RESOLVED that we the Town Council of the Town of Hopkinton, respectfully request that the General Assembly demand the Rhode Island Department of Education reinstate what funds are due for Chariho for FY 2017 and future years; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby instructed to submit a copy of this resolution to the Governor, the Senate President, the Speaker of the House, the Town of Hopkinton’s State Senators and State Representative in the Rhode Island General Assembly, the Towns and School Districts of Charlestown, Richmond, Bristol, Warren, Exeter, West Greenwich, Foster and Glocester and the Director and Board of the Rhode Island Department of Education for consideration of their support.

The RESOLUTION shall take effect on February 16, 2016.

**RESOLUTION RE: TRANSFER OF THE CHARIHO CAREER AND TECHNICAL CENTER**

This matter had been scheduled for the Town Council to discuss, consider and vote on a Resolution relative to the Transfer of the Chariho Career and Technical Center. Council President Landolfi noted this was related to a potential revenue source that was being diminished.

Councilor Thompson asked that Washington County be substituted for South County as there is no South County. She explained that the reason the Council is considering the resolution is to pressure the General Assembly to require RI

Department of Education to honor their commitment related to the Career and Technical Center. The new Commissioner has stated he was not going to honor the agreement that was put in place when the C&T School was transferred to the Chariho School District.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADOPT THE RESOLUTION RELATIVE TO THE TRANSFER OF THE CHARIHO CAREER AND TECHNICAL CENTER.

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

OPPOSED: None

SO VOTED

The Resolution follows:

**TOWN OF HOPKINTON  
A RESOLUTION RELATIVE TO THE TRANSFER OF THE  
CHARIHO AREA CAREER AND TECHNICAL CENTER**

WHEREAS, the Town of Hopkinton (the “Town”) is a member of the Chariho Regional School District (the “School District”) along with the Towns of Charlestown and Richmond; and

WHEREAS, at its January 19, 2016 meeting, the School District Committee voted to authorize a communication to the Town Council of the Town of Hopkinton objecting to the reduction in tuition-based revenue to the Chariho Area Career and Technical Center; and

WHEREAS, in June of 2010, the School Committee, the Rhode Island Department of Education (RIDE), the Department of Administration, and the State Properties Committee each agreed to terms that resulted in the transfer of the Chariho Area Career and Technical Center to the School District; and

WHEREAS, as part of the Transfer Agreement, RIDE agreed that “For as long as Chariho operates a career and technical center, RIDE warrants that it will not approve the establishment of any career and technical center in the towns of Charlestown, Hopkinton, Narragansett, New Shoreham, Richmond, South Kingstown, and Westerly, communities in Washington County; and

WHEREAS, RIDE Commissioner Wagner has recently publicly stated that he has no intention of honoring the Transfer Agreement; and

WHEREAS, there have been two recent developments that conflict with the Transfer Agreement, namely, approval of a cosmetology program in Westerly and an agricultural sciences program in Narragansett.

NOW, THEREFORE, BE IT RESOLVED that we the Town Council of the Town of Hopkinton, respectfully request that the General Assembly require the Rhode Island Department of Education to honor their commitments to the Chariho Regional School District relating to the transfer; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby instructed to submit a copy of this resolution to the Town of Hopkinton’s State Senators and State Representative in the Rhode Island General Assembly, the Towns of Charlestown, Richmond, the Chariho School Committee and Superintendent, and the Commissioner and Board of the Rhode Island Department of Education for consideration of their support.

The RESOLUTION shall take effect on February 16, 2016.

**U.S. FISH AND WILDLIFE SERVICE RE: PROPOSED FEDERAL GREAT THICKET NATIONAL WILDLIFE REFUGE**

This matter had been scheduled for the Town Council to discuss and consider submitting comments to the U.S. Fish and Wildlife Service regarding their draft plan for a proposed Federal Great Thicket National Wildlife Refuge. The plan is to help stem the decline of shrub-land dependent wildlife species whose populations have been impacted because of the decline of agricultural land use, forest maturation, development pressures and wetland draining and filling. Conservation Commission Chairman Harvey Buford had provided the Council with related information and maps designating the focus area. He had also emailed his written comments regarding the draft plan that were received this day and distributed to the Town Council this evening. Mr. Buford was present. Councilor Thompson acknowledged receipt of his comments and she asked Mr. Buford to talk about the proposal as they had not had an opportunity to read his written comments. Mr. Buford noted the intent of the proposal is to come up with scattered parcels to make up the Refuge Acquisition Focus Area to come up with a scrubby habitat for various species of animals. The focus areas range from New York to Maine. Should the proposal move forward, any acquisition of properties would happen over a long period of time and any purchase of property would be from willing sellers at market rate or, through conservation easements or, by leasing property. Mr. Buford noted this is the first opportunity Hopkinton has had to have a federal refuge in Town. The RI portion of the targeted scope of area is comprised of 240 acres. Council President Landolfi asked if targeted areas were town property or privately owned. This was not known but Mr. Buford commented there may be some town-owned properties that could be sold. There are three ways they would give money back to the Town for taking properties off of the tax rolls; he stated the Land Trust already has properties that could be used for this type of habitat but unfortunately the operating budget is limited. He noted it may be possible that they may pick up the tab and assist in in the effort of establishing this type of habitat. He gave an example that the Land Trust was able to partner with U.S. Fish & Wildlife Service to restore an old gravel bank on a Land Trust property. Councilor Husband asked about any down-side. Mr. Buford noted there is some push back because it may be too large an area. He noted the

intent was to try to create a balance. Councilor Husband asked if the refuge would be accessible by the public. Mr. Buford felt it would, for hunting, etc. Councilor Capalbo commented the map that showed the parcels are to be connected and questioned how that would be done as it might be too much space. Mr. Buford stated the animal species targeted for the refuge do not need a large territory with giant corridors and he pointed out we have the electric utility lines that already have this type of habitat. Councilor Capalbo suggested the properties could be useful in serving as fire breaks. She added that annual revenue sharing payments sound great but it is often taken away. She would want some more information. Mr. Buford indicated he would do some research regarding the pay in lieu of taxes, but if they find a willing seller they may not announce or publicize it. Councilor Thompson felt that no matter what the Council says either positive or negative they will do what they wish but supported coming up with comments, pro and con. Mr. Buford stated there was a March 4 deadline to receive comments and then there were several more steps they would have to go through. He reported the Ledyard, Connecticut Town Council asked to have the entire town included. Councilor Husband asked if the Town receives tax payments from agencies such as Audubon Society or The Nature Conservancy and was informed The Nature Conservancy is exempt. Councilor Buck commented he would want to know what the taxes would be on the 240 acres of land. He would also want to know more about what they give in lieu of, as does Council President Landolfi. Councilor Buck asked if there would be restrictions like there are with Ninigret Park where hunting is not allowed which is a concern of his as he does hunt. He stated with the budget this year he is concerned and noted Land Trust properties come off the tax rolls; he understands the long term positives but is also aware of what he pays in taxes to make it up. Council Mr. Buford noted the Land Trust has opened up some of their properties for deer hunting and it could well be allowed in these areas too. The U.S. Fish and Wildlife Service will be collecting comments on the draft plan through March 4, 2016. Councilor Thompson suggested any comments be sent to the Town Manager who could then send the comments that came out of the Town Council Meeting on to Mr. Buford. Council President Landolfi would like a copy of the comments received.

**BOARDS & COMMISSIONS**

**Land Trust**

Marilyn Grant submitted a letter indicating she wished to be reappointed to the Land Trust Board of Trustees.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO REAPPOINT MARILYN GRANT TO THE LAND TRUST.

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

OPPOSED: None

SO VOTED

**Affordable Housing Partnership**

Jared Rhodes submitted a letter indicating he wished to be reappointed to the Affordable Housing Partnership.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO REAPPOINT JARED RHODES TO THE AFFORDABLE HOUSING PARTNERSHIP.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

No one spoke during the second public forum.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN THE MEETING IN MEMORY AND IN HONOR OF RALPH A. AHERN, JR.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk