

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of May 2016 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:15 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02832.

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

Absent: Thomas Buck.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CONVENE OPEN SESSION AND RECESS TO EXECUTIVE SESSION UNDER R.I.G.L. SEC. 42-46-5(A) (2) FOR LEGAL ADVICE AND DISCUSSION REGARDING UPDATE AND POSSIBLE DISPOSITION OF PENDING LITIGATION AGAINST THE TOWN OF HOPKINTON.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

Councilor Buck had arrived after the vote to recess to Executive Session.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO CONVENE AS A COUNCIL AND SEAL THE MINUTES OF THE EXECUTIVE SESSION.

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

OPPOSED: None

SO VOTED

The meeting opened with a moment of silent meditation and 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

The Council opened a hearing on an application for a Special Event Permit filed by Nathaniel Mitkowski on behalf of Ashaway Cub Scout Pack 1 – Narragansett Council BSA, P.O. Box 965, Ashaway, RI 02804 co-sponsored by Hopkinton Recreation Department and Ashaway Volunteer Fire Department for a Family Camp-Out scheduled for 12:00 noon on June 18, 2016 through 10:00 AM on June 19, 2016 at Crandall Field.

Mr. Mitkowski was present. In response to a comment of how many years the family camp-out had been held, Mr. Mitkowski reported this was the fourth or fifth annual event. The application complete, no waivers were requested or required as the event was co-sponsored by the Hopkinton Recreation Department and the Ashaway Volunteer Fire Department. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE SPECIAL EVENT PERMIT FILED BY NATHANIEL MITKOWSKI ON BEHALF OF ASHAWAY CUB SCOUT PACK 1 – NARRAGANSETT COUNCIL BSA, P.O. BOX 965, ASHAWAY, RI 02804 CO-SPONSORED BY HOPKINTON RECREATION DEPARTMENT AND ASHAWAY VOLUNTEER FIRE DEPARTMENT FOR A FAMILY CAMP-OUT SCHEDULED FOR 12:00 NOON ON JUNE 18, 2016 THROUGH 10:00 AM ON JUNE 19, 2016 AT CRANDALL FIELD.

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

The Council opened a hearing 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.

Attorney Kevin Murphy was present with John Murphy, Jr. Filing fees had been paid and notice posted. A stenographer was present to record the proceedings.

The Council discussed the proposal with a consensus that they would prefer to only amend the December 1985 Town Council decision that would allow general automobile repair at this particular site. Solicitor McAllister recommended seeking an opinion from the Building & Zoning Official after expressing some concern that the decision may be challenged because it could be considered spot zoning. The Town Council did not support amending the Groundwater & Wellhead Protection Use Table. There were no comments from the public. A copy of the transcript is attached and made part of this record.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO CONTINUE THE HEARING TO LEAVE IT OPEN.

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

OPPOSED: None

SO VOTED

2016 RIDEM LARGE RECREATION DEVELOPMENT GRANT

The Council opened a hearing to consider an application for a 2016 RIDEM Large Recreation Development Grant for improvements and modifications to Langworthy Field which is located on Locustville Road, identified as AP 27 Lot 133 and to entertain public comment on the Langworthy Field Improvement

Project Master Plan. Town Planner James Lamphere was present and had with him a large rendering of the Master Plan to show to the Town Council and members of the public in attendance. Mr. Lamphere reviewed the Langworthy Field Master Plan dated April 10, 2015 that the Hopkinton Town Council approved on May 4, 2015. He explained the project would be a phased plan as all were aware it was an expensive project and there was not enough funding available to complete it in one shot. Phase I would consist of the renovation of the hard court surface into a multi-court surface (tennis, volleyball, basketball); one nice feature was a walking track consisting of two loops, a short loop and a long loop, and a playground for children ages five to twelve. Phase II would be to install the tot lot playground and Phase III would be the construction of a gazebo-type structure and to reconfigure the parking. He noted one feature of the plan included two tiers of granite steps and the plan calls for them to be re-used or re-set on the site. He explained they may have to take them out and reuse them elsewhere as the steps in their current condition were irregular and presented a tripping hazard. He elaborated on the feasibility of the walking path; the plan shows that it travels up the hill onto the town/school property. He stated additional topography would be needed to determine if it is feasible to go up the hill because the grade may be too steep of a slope. A couple of meetings have been held with school personnel and during one meeting with Superintendent Ricci and Principal Gencarella, concerns were expressed that the path may come too close to the actual school building, so Fuss & O'Neill will have to go back and stake out all the pathways after topography is done. There would be another meeting on site with school personnel so if it was not feasible because of the slope, some portion may have to be taken out of the plan. He stated another matter was that the DEM prefers to eliminate overhead wires, so in the grant application, there is a proposal to eliminate the existing pole and overhead wires; to install a new utility pole and have underground wiring connected to a 12' x 16' shed with a meter and a panel box located inside. He added that the DEM also likes lit surfaces to extend hours of usage, so the Council may want to install underground wiring up the hill and since excavation will be going on, to install hand-holds so in the future, lights could be installed. He noted the Recreation Commission and

Town Council may also want to consider lighting the multi-court surface on a limited basis. He reported the Langworthy Field Master Plan was an \$850,000.00 project; \$247,000.00 has been awarded to the Town so far for this project. This week he put in an additional \$115,000.00 request which had been included in the 2016 CDBG Application. The 2016 Large Recreation Development Large Grant Application request was in the amount of \$400,000.00. He added there is also money left over from the Crandall House generator that would be added in so we could be around \$800,000.00 if we are awarded the latter two grants. Mr. Lamphere was hopeful that if the Town received the grant award, all three phases could be built at once during the summer of 2017. Completing all phases at one time would cause less disruption of the area if it can be done in one shot. Council President Landolfi commented that grading of applications is done by the DEM by way of a point system with points given to plans that have underground utilities as it pertains to the application approval process. Mr. Lamphere reported when the application goes to DEM it would go before the Recreation Committee. He could not say how the committee would score the application but he had included certain things in order to secure points. Council President Landolfi asked about the underground utilities. Mr. Lamphere explained that with any new utilities, the DEM prefers to see it buried in the ground which is why he proposes to move the existing overhead wires and pole, and install underground wiring. He would like to be able to state there would be some lighting on the courts as that would give us more points. Mr. Lamphere felt there was a good chance the project would receive the grant because we have a well done Master Plan which shows the Town has put a lot of time and effort into the project. The project was presently in the construction document phase. Councilor Thompson commented on the suggestion to remove the granite steps and store them on site. She felt people would be upset if they were removed. She suggested an effort be made to adjust them, she did not feel they should leave the field. Councilor Buck asked if there was a flat side to the steps. Mr. Lamphere stated they have shifted and moved a bit, but perhaps they could be milled, as they had a very rough surface, and then re-set. Councilor Buck cautioned about machining the granite to a flat surface as it could be very slick in the winter. He did not feel a rough surface on

the granite was bad. Mr. Lamphere recommended to the Council that they go to the field to inspect the steps as he did not feel they were safe. He noted the school had concerns about the steps as well because they use the field for emergency situations for fire drills; the students go out of the building to a sidewalk and they go down those stairs and congregate in the field. He stated Principal Gencarella was not happy with the stairs. Mr. Lamphere suggested The Trust could take a look at them and added the Building & Zoning Official has been to the site to review; the steps are not to code and there are no hand rails where there should be. He felt if the path is determined feasible and is installed, it would be perfect as there would be another path that would go down to a gate indicated on the plan. Councilor Capalbo stated they were historic steps and unusual; they could be railed on either side and that would help. She felt it was worth trying to keep them and if there was the secondary walkway then the students would stay on the walking paths. Mr. Lamphere stated he would keep the granite steps in the plan and salvage them somehow. Council President Landolfi understood the historic nature of the steps but he did not want the granite steps to de-rail the application. Councilor Thompson pointed out there were brand new front stairs in front of the school they can go down in the case of a fire. She noted the granite steps came from the reconstruction of Route 95 and people in town made sure they retained them. She felt from people walking up and down them over the years, the steps may have shifted over time. She stated there were people in the Chariho School District who would prefer to tear down the school and build a new one and get rid of the steps – that was the feedback she hears from Chariho. Mr. Lamphere suggested reusing the granite steps for two new sets of stairs and making them safe and to code. Councilor Capalbo did not favor the idea of a six foot high fence separating the school from the field because if the school uses the field, why would we separate them. She felt it a six foot high chain link fence would be ugly. Council President Landolfi stated the schools concern was with having adults coming into contact with the children. Councilor Capalbo felt installing hand-holds for lighting purposes was a good idea but felt the idea of lighting the area from the highest point may reflect down upon neighborhood houses and those residents would be looking up at the lights which could be disconcerting to them.

She felt the tot lot was a great idea and hoped it would be an advanced tot lot and she assumed the gazebo would be able to hold events like they do at Crandall Field but to keep it distinctly Hope Valley and distinctly our Town – not generic. Councilor Buck supported installing underground wiring for power at the gazebo. Mr. Lamphere indicated there were no plans for it yet, but the Public Works Department had made this suggestion. He noted the wiring could easily be extended underground to the gazebo from the relocated shed. The electrical system would enable wiring to extend out anywhere in the park. He explained the idea of a fence came about with discussions with the school. He noted even though the Town owns both parcels (school/field) the plan does somewhat encroach onto the school property there so he felt they do have a say and we want it to dovetail nicely and not conflict. He explained that when they were on the site for the electrical design, school officials happened to have been meeting with the Police Department regarding security assessments and they wanted some trees removed for visibility. If the path was to go in near the school building, there are two possible places to install fencing. He noted the field could be used anytime day or night so it's important to keep some separation. Councilor Capalbo felt the school will be using the field, from the multi-court surface for basketball, and other parts of the field for other purposes, she did not feel it should be blocked off. She would want them both (school and field) to fit together. Council President Landolfi felt the fence would satisfy security concerns. Mr. Lamphere commented that they could leave the fence off for now as it could be added later. Councilor Buck noted that black plastic coated fencing could be used as it is not easily seen. He stated he hears the safety issues with the proximity of the school to the field and they are important. He stated he also wants to see the Langworthy Field project done. Councilor Capalbo agreed the fence could be added later and black plastic coated fencing or another type could be used. Council President Landolfi noted once Fuss & O'Neill does the staking of the site, that whole grade may not be feasible, they may have to bring in a great deal of material to bring up the grade, so the path may not go as close to the school. Mr. Lamphere noted staking the area would be important and pointed out the proximity of the path to a school classroom window. Councilor Husband commented that he did not feel a

fence was needed. He felt there was more of a chance of kids going into the area than someone going to the school with ill intent. With regard to the stone steps, he felt installing railings on the steps would look nice. He questioned if they were taking down the big trees. Mr. Lamphere responded the existing big trees would remain; some existing vegetation was coming out which would be replaced with additional new trees. Councilor Husband asked if there was a plan to re-seed the field because the grass was in horrible shape. Mr. Lamphere stated the plan calls for some low maintenance turf. He explained DPW said the field had once been a former site of an old gravel bank, so it would be tough to keep the grass alive, but they will try again and would test the sprinkler system to make sure it works.

Councilor Capalbo added the hill is known historically as a sledding hill.

Councilor Husband commented on the lighting of the courts; he felt the neighbors should be considered in regards to how the lighting would affect them. Mr.

Lamphere stated when the Electrical designer reviews, part the contract would be to come up with a lighting plan that would not be offensive to the neighbors. He noted they could use LED fixtures and could also use shorter poles. He pointed out there is one house that was close that may be affected so they may want to incorporate appropriate shields on the light fixtures to direct the lighting on the court surface. They would hire a lighting expert to handle that design. Councilor Capalbo suggested lighting the courts might be a bigger concern but she did feel it was a good idea to get power to the gazebo. Councilor Husband suggested the removal the leaves, brush, brambles and bittersweet in the area closest to the school.

Public comment was entertained on the Master Plan. Peter Driscoll and Tracey Driscoll of 16 North Drive spoke. Mr. Driscoll asked about how big the area was. Mr. Lamphere responded about six acres. Mr. Driscoll noted there were six and half acres behind his house and they could make into a park, instead of the gravel pit that was there now, with basketball courts and lighting – whatever they want. He noted right now they have six days a week of noise from an illegal gravel pit. Mrs. Driscoll felt the plan was great and asked how it was determined where the grants go. She felt the plan was wonderful and the Town needed this but was

upset because it was an abandoned gravel pit and people are concerned about lights shining in their kitchen and one house was an issue. She questioned why money goes to something that was already established. Council President Landolfi responded it is a ball field and it is Town property. Mrs. Driscoll stated it had been mentioned that it was an abandoned gravel pit. Councilor Husband responded that was years and years ago. Mr. Lamphere explained that the property had been given to the Town for recreation purposes. Mr. Driscoll commented for nineteen years there was nothing behind his house and now there is. Council President Landolfi stated that was a separate issue. He asked if there were any other questions or comments about the Master Plan. There were none.

Councilor Thompson noted the intent was to move this forward and Mr. Lamphere needed the Council to vote to approve submission of the grants. She noted there were some issues brought up tonight that were in flux and asked how that would affect their decision; if Mr. Lamphere felt they were nailed down. Mr. Lamphere stated they could approve the plan with the recommendations and consensus reached by the Council tonight. He reviewed the list of modifications: to retain the granite steps and rework them to be reused on the site; lighting – to install hand holds and have the electrical engineer provide an assessment as to whether the courts can be lit without offending the surrounding properties with the Council to give final approval regarding lighting of the courts; check out the feasibility of the walking paths; no fence for right now – leave it open; install hand holds at the gazebo with underground wiring for power at the gazebo with some low level unobtrusive lighting, railings on the granite stairs on both sides. Mr. McGarry added that if the town receives the grant, it must be approved by the Town Council.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE SUBMISSION OF A 2016 RIDEM LARGE RECREATION DEVELOPMENT GRANT IN THE AMOUNT OF \$400,000 TO IMPLEMENT THE LANGWORTHY FIELD IMPROVE-

MENT PROJECT MASTER PLAN INCORPORATING THE SUGGESTIONS
MADE TONIGHT.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of April 18, 2016 and Town Council Budget
Workshop Notes of March 14, 2016 were removed from the Consent Agenda.

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

FOLLOWS: Approve Town Council FTA Meeting Minutes of May 3, 2016;

Accept the following monthly financial/activity report: Town Clerk; Approve
refund due to over-payment at closing submitted by Tax Collector; Approve
request of National Grid and Verizon for 8 new joint pole locations and 3 supports
on Palmer Circle.

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

OPPOSED: None

SO VOTED

The Town Council Budget Workshop Notes of March 14, 2016 were removed so
that they could be amended. Councilor Thompson indicated the workshop notes
indicate she was absent but she was in attendance.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY
COUNCILOR THOMPSON TO APPROVE THE BUDGET WORKSHOP

NOTES OF MARCH 14, 2016 AS AMENDED.

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

OPPOSED: None

SO VOTED

The Town Council Meeting Minutes of April 18, 2016 were removed so they
could be voted on separately.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY

COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING
MINUTES OF APRIL 18, 2016.

IN FAVOR: Capalbo, Thompson, Husband, Buck

OPPOSED: None

ABSTAIN: Landolfi

SO VOTED

Council President Landolfi abstained as he had not been present for the meeting.

Councilor Husband questioned these minutes on page two, line two that indicated Mr. Plante “owned” the Class A Liquor License and he felt it should say “possess”. A motion was made and seconded to amend the April 18, 2016 minutes. The Town Clerk reported that Mr. Plante’s attorney George Comolli used that wording. The minutes were not amended. The motion and second were withdrawn.

PUBLIC FORUM

Persons who spoke at public forum specific to the Frank Turrisi Earth Removal Registration matter later on the agenda included Barbara Rana Decker, Judith Lewis and Margaret Smith.

Barbara Rana-Decker, 87 High Street and representing the residents of Bethel Village and they were asking the Council to not approve the renewal to the Frank Turrisi/Eminel Holdings Earth Removal Registration identified as Item 8b on the agenda. She stated it is their contention that under the existing earth removal registration the Town Council approved in 2014 that Eminel Holdings was operating an aggregate processing center, bringing in a variety of materials from loam, gravel, sand, telephone poles and stone. They felt the Planning Board had been duped on June 4, 2014 when Mr. Turrisi said “he had no plans to dig, but he wanted a permit to bring material in, process it and bring it back out” and that is what he has been doing for a year plus. She stated they understood and accept that the parcel on High Street, Plat 4, Lot 2 has a pre-existing non-confirming use which allows the extraction of stone and gravel, the screening of that stone and gravel, and the storage of that stone and gravel that comes from that parcel. She referred to Question 3 of the Earth Removal Registration Application that asks if

this a new operation, an existing operation or an expansion or modification. Mr. Turrisi indicated it was existing operation. She did not feel that was so because previous operators were obligated to adhere to operations that extracted and processed material from that parcel of land. She noted the second page of the application says, I hereby certify under the penalty of perjury that the information provided in this application is true. I understand that any false and/or misleading information in this application shall be grounds for denial of this application and/or for revocation of any approval granted by the Hopkinton Town Council. This year his registration says it is existing, and that is true now, but was not true at the time of the first Earth Removal Registration. She stated the Bethel Village neighborhood is involved in a matter before the Zoning Board and on April 5, 2016 their Attorney George Comolli sent a letter to Brad Ward by asking for his confirmation and other information and Mr. Ward has yet to respond. They are asking the Town Council that they not grant renewal to the Earth Removal Registration and to revoke the initial application.

Judith Lewis, 14 North Road, stated she had resided there for 47 years. She referred to the Eminent Holdings Informational Report that states the applicant shall comply with all existing applicable town ordinance and state laws relating to the earth removal operations. She stated the on numerous occasions he has violated the terms of the Earth Removal Registration and has ignored the hours of operation; on April 24, 2016 at 6:45 AM there was a complaint that trucks were dumping aggregate and banging tailgates and on April at 5:30 AM there was reports of banging tailgates at 95 high Street. These incidents were reported and she was told to report them to Brad Ward which she did on April 30, 2016 and he has not responded to her. She stated with regard to spill containment, the informational report says standard spill containment would be employed for vehicle/machinery fuel leaks and the affected soils removed. She noted after the late season snow storm, the plow trucks that had been stored on the site were removed, but the area of affected soil was covered with dryers, not excavated and removed. She stated Mr. Turrisi's testimony before the Town Council on August 4, 2014 stated he would be using a box screener 8' x 20' but what they had on site

was a McCloskey MCB 512 with a transport size of 13' 6" x 46' 3". Their Attorney George Comolli would like the Council to know that due to the intensification of this operation he now has disturbed over one acre and a RIPDES Permit is required and this was made know to him by Pat Walker of Walker Engineering.

Margaret Smith, one half owner of 12 North Drive, also objects to the operation. She stated she has been traveling back and forth from New Jersey for the past one and a half years to attend Zoning Board Meetings. She doesn't appreciate being woken up at the crack of dawn and hoped to be in Ashaway this summer and to be able to use her summer porch to be able to eat outdoors without hearing the gunning of diesel engines and noise of a screener. She explained the "screener" in operation at the site was identified by the manufacturer as a waste management processor. That the owner was bringing aggregate in; as of today that most of the asphalt piles were gone. She stated the standard industrial code on which the zoning ordinance is written for the extraction and processing of sand from that site. You extract the sand and gravel, sort it and process it on the site and export it. You do not bring anything in; otherwise it falls under another use standard industrial code and that is waste management – sanitary services. She stated for the past 18 months she had been dealing with a mine that doesn't exist; the sides of the gravel pit are steeper than the angle of repose for sand and she is concerned that her garage may fall into the sand pit. She stated it has been excavated down to the water level and it was a wetland, with spring peepers living there until last year. She stated there were noise issues, property value issues and an aquifer issue. She questioned what the plan would be for a damaged aquifer. She stated sales of property affected because once they see the machinery, buyers were turned off and it will affect assessments.

TOWN MANAGER REPORT

Town Manager William McGarry stated both item topics on his report were scheduled on the agenda. He reported on May 3, 2016, he attended a meeting with Council President Frank Landolfi, Chief Dave Palmer and three RIDOT officials. They updated us on the status of the State Transit Hub design and construction

schedule and are seeking our input on design proposals. Council VP Barbara Capalbo, Councilor Sylvia Thompson and I were tentatively selected to serve on the State's Design Committee with another meeting slated for later this month.

OLD BUSINESS

Council President Landolfi reported on the responses to the Town Council's questions relative to the RIDOT Transit Hub; that he, Town Manager William McGarry and Chief of Police Dave Palmer had meet with three RIDOT representatives. He reported that Councilor Buck had concerns with regard to vegetation and tree lines so it is not highly visible and they stated they will make an effort to be discreet. Councilor Buck felt their target audience would be those traveling Route 95 North coming from North Stonington, CT; It would not been seen going South. He stated he doesn't even want to see this thing from Route 3, but there was little the Town could do to stop it so the hope is to hide it as best we can and one way would be is to cut a nice looking roadway through the cedar trees down into the property in the back with low voltage lighting. Once the people are off Route 95, they've got them as customers. There is no need for a glamorous billboard out front. He stated everyone who lives in Ashaway and Hope Valley are going to have to deal with it going to and fro and will have to deal with the traffic. Council President Landolfi, stated he will try to see if they will incorporate this into the design and added that they want our suggestions and opinions for when the RFP goes out. It will be for a 6,000 square foot building. He noted Councilor Thompson had mentioned the concerns about the aquifer. Councilor Thompson stated they had addressed her concern when they met. The only thing they couldn't get them to confirm was with regard to zoning. Council President Landolfi stated NEPA would be evaluating as it involves federal money and with regard to the three historic cemeteries that will have to be paid attention to, Richard Prescott will be invited to participate and they are working with the Narragansett Indian Tribe on some issues. He stated they will not be reimbursing the Town for any lost revenue from an estimated value of \$400,000.00 but the Town could anticipate 1% or approximately \$4,000.00 from the meal and beverage tax. Councilor Capalbo mentioned a subsequent meeting on the 27th that would be an opportunity for the Council to see what they will or won't do.

Council President Landolfi stated the timeframe for the RFP to go out was this summer with design work expected to be complete by the fall and construction to begin the winter of 2017. He stated he had asked Chief Palmer to attend to address concerns about crime and to discuss the possibility of a joint police substation manned by the state police and local police. Councilor Husband would like to see the State give local businesses a shot vs. your typical food chain. Council President Landolfi and Councilor Thompson both indicated they were open but there were no promises but they said that would be entertained. Mr. McGarry confirmed May 27 was the next meeting. Councilor Buck asked if it would be included on the next Town Council agenda and was told yes. Council President Landolfi also stated there were concerns about fuel tanks and RIDOT has stated they would be placed above ground, not underground. The Travel Hub would have 24 hour restaurants as well as a coffee shop, recommended based on a study of accidents along Route 95. Councilor Buck commented the reason they were putting this in here and not on the Exit 3 area site was because that was a direct offset of Route 95, and under federal highway system they can't provide food and fuel unless it was grandfathered in so they must actually come off the highway for that purpose, that was news to him. Councilor Husband stated the reason they do that is they don't want them to compete with local businesses and by placing where they are they are getting around that rule and federal law that says you can't. Councilor Thompson stated the Exit 3 area site is part of the federal highway system and the plan is to use it for an overnight truck stop with bathrooms and vending machines. It exits off of highway part of federal highway system. Council President Landolfi stated another option to include in the RFP was a farmers market. It will be one company to design, build and maintain the project.

NEW BUSINESS

EXECUTIVE SESSION VOTE – PENDING LITIGATION

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE SETTLEMENT AGREEMENT AS RECOMMENDED BY THE TOWN SOLICITOR AND THE

LAWYER FOR THE TRUST REGARDING THE PENDING LITIGATION
MATTER DISCUSSED IN EXECUTIVE SESSION.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED
BY COUNCILOR CAPALBO TO MOVE UP THE EARTH REMOVAL
REGISTRATION RENEWALS LISTED AS ITEM #8 TO THE SECOND ITEM
UNDER NEW BUSINESS.

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

OPPOSED: None

SO VOTED

EARTH REMOVAL REGISTRATION RENEWALS:

Two Earth Removal Registrations had been scheduled for renewal: Roger &
Marilyn Kenyon and Frank Turrisi/Eminel Holdings LLC.

Roger & Marilyn Kenyon Earth Removal Registration Renewal

The Town Council reviewed the Kenyon Earth Removal Registration Renewal
Application, 37 West Street & 39 West Street, Ashaway, RI 02804. The Building
& Zoning Official had performed an inspection on April 14, 2016 indicating that
to the best of his knowledge the Kenyon site was in full compliance with the
Earth Removal Registration requirements.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED
BY COUNCILOR BUCK TO APPROVE THE KENYON EARTH REMOVAL
REGISTRATION RENEWAL APPLICATION.

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

OPPOSED: None

SO VOTED

Council Vice President Capalbo stepped down and recused herself from the Frank
Turrisi/Eminel Holdings LLC Earth Removal Registration Renewal Application
matter.

Frank Turrisi/Eminel Holdings LLC Earth Removal Registration Renewal

The matter of the Turrisi Earth Removal Registration Renewal Application, 95 High Street, Ashaway, RI 02804 had been scheduled for consideration.

Attorney Charles Soloveitzik was present representing Mr. Turrisi. He commented that no one likes controversy and we all have our own vested interest and he was personally sympathetic to the neighbor's concerns but this was not the forum for the neighbors nor were the comments from the neighbors relevant. The Earth Removal Registration relates just for that; the removal of earth and both he and his client asserts that there is removable earth on the site; it's a lawful pre-existing non-conforming use. He believes the application is complete; the referrals from any appropriate governmental authority required were obtained and despite certain people's assertions, the applicants' certification is true and accurate. The complaints about the hours of operation, noise and the accumulation of material on site do not belong before the Town Council. They just finished in December with a protracted hearing before the Zoning Board. Mr. Turrisi initiated in good faith, believing were not going to be a problem to neighbors. His neighbors convinced the zoning board that he would, so that relief was not granted. He stated they would like the contentious atmosphere to come to an end. If there have been isolated incidents, they can be explained away as inadvertent and can be addressed; recent early morning complaints were due to a third party vendor who came to the site to pick up a load of material. Mr. Turrisi was alerted and he contacted that person and he has instituted new regulations regarding off-hours access. He noted these passionate neighbors have mobilized successfully, but he again stated the application before the Town Council is complete; that Mr. Turrisi is in business and continues to be in business as long as he owns the property. He respectfully asked the Town Council to consider it favorably.

Attorney Soloveitzik stated there were on-going matters before the Zoning Board, negotiations between parties and he did not want the Town Council to be used as a wedge or leverage that would work against resolutions to issues so with due respect to the neighbors, he asked the Council to act favorably on the application.

Councilor Buck noted Attorney Soloveitzik had said the Earth Removal Registration was just for that; the removal of earth and stated it was his

understanding that the site was dug out years ago and asked for confirmation that there was still viable gravel to be removed. Attorney Soloveitzik noted he was not an expert, but became aware through experts over the course of hearings over the last year and a half that there is still mineable material at the site. Councilor Buck commented that removal of earth is not, in his opinion, the same as bringing material into the site; that is a whole other issue. He stated he also disagreed that the Town Council doesn't need to be considering all aspects. He stated he will look at every aspect of the matter, will look at violations and noted has rescinded licenses in the past. Some of the violations he is aware of were of noise beginning at 5:30 AM and that he would be irate too. He stated it was Mr. Turrissi's responsibility to control vendors and employees at the site and to follow the rules and regulations. The Town Clerk confirmed that this was strictly a registration, no license is issued. Councilor Buck noted the Town Council still has control over that. Councilor Buck stated the debris being brought onto the site is the opposite of removal of earth and he questioned the asphalt and the status of cease and desist order. Attorney Soloveitzik reported the zoning matter is presently on appeal. He stated there were agreements in place, for no additional asphalt to be brought in to the property. He stated evidence has been presented to the zoning authority that asphalt millings are not a hazardous substance and are not regulated. Attorney Soloveitzik added that if the cease and desist that is being appealed had been ignored, or a final ruling taken place, they would have to abide by it but it would have no implication for this Earth Removal Registration. He stated the matter is before the Zoning Board. Councilor Buck stated he feels it is his responsibility and obligated to question when there are questions and problems. Attorney Soloveitzik agreed. He stated there were some issues and in a perfect world the incident with the vendor in April, who is not a crack of dawn vendor but decided on two occasions to go to the site, would not have occurred. He stated they didn't know about it, but it has been addressed. It was not part of extraction, it was a pick up. We know about it now and are contrite; they have addressed it and he has spoken to his client about it. He apologized to the neighbors on behalf of his client for that event. The fact is that the pre-existing, non-conforming use is legal, it's an extractive industry and part of that is the

removal of materials from the ground, the processing of materials at the site, as well as the coming and going to the site to drop off and pick up material. This is an Earth Removal Registration; the ordinance provides physical limitations and those physical limitations haven't been violated. They are involved in controversy and he would like not to have to go to any more zoning board hearings. He is personally sympathetic to the neighbors and they have a right to address it in public forum, but if they were made now, they would be out of order as they were not pertinent to these proceedings. Councilor Thompson felt the way this has proceeded was backwards and that she hears the neighbor's concerns. Council President Landolfi pointed out there were two public forums on the agenda and this was not a public hearing and that was the way it would proceed. Councilor Thompson disagreed. She stated there was mention of asphalt piles brought in. Attorney Soloveitzik stated since Mr. Turrissi owned the parcel there have been asphalt millings placed there on a couple of occasions over the past four years; prior to that the previous owners did with some regularity, so on various occasions for several years. He stated last summer there was a very large shipment and that is what initiated the cease and desist. Councilor Thompson asked how much earth is there that could be removed as it was long thought it was pretty much dug out; she felt an engineering firm might be able to help with that. She questioned if a RIPDES permit was required - which would have to do with the applicant following all the rules. Councilor Thompson stated she doesn't have everything she needs to make a decision. Attorney Soloveitzik stated this can be scientifically determined but was not prepared to do so tonight not was he in favor of expending money of client to make generally or specifically known. As far as the RIPDES permit, they learned through Special Use Permit hearings, a RIPDES not required unless more than an acre of disturbance and It was his understanding there is no additional disturbance from the work area, and the vehicles travel within the site that exceeds one acre area. It was the first time he had heard tonight during Public Forum. Attorney Soloveitzik didn't mean to suggest the Council should disregard the public concerns, but it belongs in a different forum – before the Zoning Board. What is before the Town Council is an administrative function, to renew an Earth Removal Registration. Councilor Husband stated he

has a problem with someone who can't control his property and asked if it was chained and locked. Attorney Soloveitzik responded yes, and he had provided a key to the vendor but made the mistake of not informing the other vendor about the hours of operation. Councilor Husband felt that to be a bad business practice that there wasn't anyone there to let the vendor in. He noted Attorney Soloveitzik was indicating that asphalt removal from the site was the same as earth removal from the site and he felt that was a stretch; sure he is removing it because he is bringing it in. Attorney Soloveitzik stated the ordinance registration relates only to extraction of mineable material – the same as was done by his predecessor. There is a difference between the Earth Removal Registration ordinance and the use, which relates to the extraction and processing of mineable material on the site. He is doing the same as his predecessor. Councilor Husband questioned this and asked about the status of the cease and desist order. Attorney Soloveitzik again explained that it was before the Zoning Board; that they have entered into an informal agreement not to add materials or process materials until it could be clarified. He stated they filed an appeal and decided that would have been a distraction while the Special Use Permit was on-going so they maintained the status quo. With the appeal, everything is stayed. The appeal should go forward in a couple of months Councilor Husband stated he has a problem renewing a registration for any business that has a cloud over it as far as the legality; and that is what is going on with the zoning board; it was a legal cloud. Attorney Soloveitzik stated the situation was status quo; his client has agreed not to add material. He felt they could agree to disagree but failing to grant renewal to the Earth Removal Registration would not keep status quo and could put his client out of business. The Earth Removal Registration was before this body, which is not the enforcement body for the zoning dispute. The Earth Removal Registration is just that; there is a pre-existing non-conforming use at the site. A best practices plan was placed in the records; there are isolated events presented by angry neighbors are not grounds for denying renewal. His client obtained title to the property based upon a zoning certificate on the property, or he would not have purchased the property; he is conducting business the same as was done before by the previous owner. The neighbors have had their forum and are represented by

counsel. This matter involves a man's livelihood and denial would make the property worthless. Council President Landolfi asked about the renewal and if everything was in order. Mrs. Cook-Martin stated the Building & Zoning Official submitted his report and all other requirements for renewal have been filed. Councilor Thompson would like to postpone action on the matter for receipt of additional information such as whether a RIPDES permit is required and what amount of mineable material is left on the site. Councilor Buck would like to see a copy of the zoning certificate and a copy of the Earth Removal Ordinance. Attorney Soloveitzik questioned what Councilor Thompson sought and she responded an objective party to give the Town Council information and referred to the Town Manager. Mr. McGarry noted the Town has two engineering firms on call. Council President Landolfi noted that there was one acre to one and a half acres left of extraction. Attorney Soloveitzik stated he could probably gravel down to the water table. Council President Landolfi asked the Solicitor about delaying a decision and Solicitor McAllister stated it was within the ability and authority of the Town Council to decide this renewal matter at another time. He had reviewed the ordinance and confirmed that the Earth Removal Registration regulates earth removal, not processing. He stated any violation would trigger enforcement action which is one track and then the Town Council has the administration a second track and those two tracks don't cross.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO POSTPONE THE TURRISI EARTH REMOVAL REGISTRATION RENEWAL UNTIL MORE INFORMATION IS COLLECTED.

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

OPPOSED: None

SO VOTED

Council Vice President Capalbo was reseated. The Council called for a two minute recess after which they reconvened the Town Council Meeting.

AWARD BID: MID-GRADE GASOLINE

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AWARD THE BID FOR MID-GRADE GASOLINE TO DENNIS K. BURKE, INC., OF CHELSEA, MA, THE LOW BIDDER, FOR THE TOTAL PRICE OF \$0.4529 CENTS, PER GALLON, FROM 7/1/16 THROUGH 6/30/19.

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

OPPOSED: None

SO VOTED

AWARD BID: PROPANE GAS HEATING FUEL & BURNER SERVICE

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AWARD THE BID FOR PROPANE GAS HEATING FUEL AND BURNER SERVICE TO PETRO, INC., OF WARWICK, RI, THE LOW BIDDER, FOR THE PURCHASE OF PROPANE GAS HEATING FUEL FOR A TOTAL PRICE OF \$0.35, PER GALLON, FOR HEAT AND HOT WATER AND \$0.68, PER GALLON, FOR GENERATOR USAGE THAT INCLUDES A \$0.33 STATE TAX. THIS BID ALSO INCLUDES BURNER SERVICE IN THE AMOUNT OF \$90.00 PER HOUR FOR M-F (8:00 A.M. TO 4:00 P.M.); \$125.00 PER HOUR M-F (4:00 P.M. TO 8:00 A.M.) INCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS; LESS A 10% DISCOUNT FROM THE PARTS LIST FROM 7/1/16 THROUGH 6/30/19.

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

OPPOSED: None

SO VOTED

AWARD BID: #2 FUEL OIL

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AWARD THE BID FOR #2 FUEL OIL TO GINGER'S SERVICE STATION, INC. OF WESTERLY, RI, THE LOW BIDDER, FOR THE FIXED ADDED PRICE OF \$.06, PER GALLON, FROM 7/1/16 THROUGH 6/30/19.

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

OPPOSED: None

SO VOTED

AWARD BID: HEATING & COOLING SYSTEM MAINTENANCE

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AWARD THE BID FOR HEATING AND COOLING SYSTEM MAINTENANCE TO PETRO, INC. OF WARWICK, RI, FOR \$105.00, PER HOUR, FOR M-F (8:00 A.M. TO 4:00 P.M.); \$139.00, PER HOUR, FOR M-F (4:00 P.M. TO 8:00 A.M.) INCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS; AND A 10% DISCOUNT FROM THE PARTS LIST FROM 7/1/16 THROUGH 6/30/19.

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

OPPOSED: None

SO VOTED

AWARD BID: DIESEL FUEL

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AWARD THE BID FOR DIESEL FUEL TO GINGER'S SERVICE STATION, INC., THE LOW BIDDER, FOR THE TOTAL PRICE OF \$0.39, PER GALLON, FROM 7/1/16 THROUGH 6/30/19.

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

OPPOSED: None

SO VOTED

AWARD BID: EMERGENCY GENERATOR & PROPANE TANK

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AWARD THE BID FOR AN EMERGENCY GENERATOR AND PROPANE TANK FOR THE TOWN HALL TO K ELECTRIC, INC., OF WARWICK, RI, THE LOW BIDDER, IN THE AMOUNT OF \$144,679.00, FUNDED THROUGH THE CDBG-SUPERSTORM SANDY DISASTER RELIEF GRANT.

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

OPPOSED: None

SO VOTED

MEMORIAL DAY PARADE DONATION

A motion was made and seconded to authorize a \$500.00 donation from Council Contingency to Gordon Greene Post for the Memorial Day Parade. Discussion on the motion: Councilor Capalbo asked if they were still planning the parade. Councilor Thompson responded they were and were meeting in a restaurant to do it. Councilor Husband asked if they were still a viable organization. Michael Napolitano was present. He is the Finance Officer for Gordon Greene Post No. 27. In response to their questions, Mr. Napolitano stated even though they don't have a building they were still a functioning American Legion Post and were still planning the parade. Discussion ended and the Council proceeded to vote as follows:

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO AUTHORIZE A \$500.00 DONATION FROM COUNCIL CONTINGENCY LINE ITEM #5065-001 TO GORDON GREENE POST FOR THE MEMORIAL DAY PARADE.

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

OPPOSED: None

SO VOTED

RESOLUTION RE: RESTORATION OF LIBRARY FUNDING

This matter had been scheduled to discuss, consider and possibly vote on Resolution re: Library funding restoration. Councilor Capalbo stated a number of towns were adopting resolutions calling for the State to fund libraries at the 25% level as promised. The past three or four years funding has been at 21% or 22% level. She hoped all the Towns would get together and pass resolutions to encourage State Government to do exactly as they have promised, the same way as we have asked for the transportation money to be restored. Heather Field from the Ashaway Library and Margaret Victoria from the Langworthy Library were present. Councilor Capalbo stated she had asked them to attend to provide the Town Council the amount of funding they have not been getting from the State. Ms. Field stated it has been since 2008/2009 since they received the full 25% funding as mandated under RI General Law. Ms. Field reported that each library (Ashaway and Langworthy) since 2009 has lost \$15,772.00. This was confirmed

by Ms. Victoria. A draft resolution was before the Town Council. The Council removed the second to last paragraph from the draft resolution as it was not essential. A motion was made and seconded to adopt the amended resolution which led to discussion: Council President Landolfi noted that seems to be a familiar theme of the State as they also reduced the categorical transportation aid which is supposed to be fully funded and last year it was not, so it resulted in a loss to the Chariho School District in the amount of \$289,000.00. He hoped this would be restored by June 30, 2016 but unfortunately it seemed to be a common theme of the State. Discussion ended and the Council proceeded to vote in the following motion:

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ADOPT THE RESOLUTION IN SUPPORT OF LEGISLATION RESTORING FUNDING FOR THE STATE AID TO LIBRARIES TO THE FULL 25 PERCENT, AS AMENDED.

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

OPPOSED: None

SO VOTED

The Council asked that they be informed if they should receive the 25% funding.

It was noted that the Library Association was involved as well.

The Resolution follows:

RESOLUTION IN SUPPORT OF LEGISLATION RESTORING FUNDING FOR THE STATE AID TO LIBRARIES TO THE FULL 25 PERCENT

WHEREAS, the Hopkinton Town Council recognizes, that for many people, public libraries are their only means of access to computer services and all forms of media essential for fulfilling and productive lives; and

WHEREAS, in recognition of the importance of libraries in our society, the State of Rhode Island passed legislation setting the level of state aid for library services at a minimum of 25% of the amount spent from local tax funds and the library's private endowment; and

WHEREAS, the Town of Hopkinton supports fully funding state aid to libraries at the 25% level in FY 2017; now therefore, be it hereby

RESOLVED: That members of the Hopkinton Town Council do hereby support legislation which would restore funding for state aid to libraries to the full 25% required in Rhode Island General Laws §29-6-2 (a) and urges it's delegation to the General Assembly to work diligently for its passage.

APPOINTMENT OF ADA COORDINATOR & ASSISTANT ADA COORDINATOR

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAN D TO APPOINT ELIZABETH COOK-MARTIN AS THE AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AND JAMES LAMPHERE AS THE AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANT COORDINATOR.

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

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS:

Tax Board of Review

Michael Brocato had submitted a letter indicating he wished to be reappointed to the Tax Board of Review.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO REAPPOINT MICHAEL BROCATO TO THE TAX BOARD OF REVIEW.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Additional comments were made again relative to the Frank Turrisi Earth Removal Registration matter: Barbara Rana Decker asked how much earth had Mr. Turrisi removed since he received the earth removal registration. Judith Lewis referred to the June 4, 2014 Planning Board minutes and felt Mr. Turrisi had no plans to dig, only to process material and bring material back out. She stated she had been part owner of this property from 1986 to 1992 and the property had been sold to a Mr. White because it had been graveled out. Margaret Smith commented she had photographic evidence that there had been no earth removal there since 1992. She also commented on the Ashaway Library Board and it's Librarian Heather Field, they were worthy every nickel given to them.

ADJOURNMENT

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

Elizabeth J. Cook-Martin

Town Clerk