

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of May 2018 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

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

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO CONVENE OPEN SESSION AND RECESS TO EXECUTIVE SESSION UNDER (1) RIGL SEC. 42-46-5(A)(7) FOR PRELIMINARY DISCUSSIONS AND/OR CONSIDERATIONS RELATED TO THE INVESTMENT OF PUBLIC FUNDS WHERE THE PREMATURE DISCLOSURE WOULD ADVERSELY AFFECT THE PUBLIC INTEREST; AND, (2) RIGL SEC. 42-46-5(A)(2) PERTAINING TO PENDING LITIGATION WITH THE RI DEPARTMENT OF HEALTH.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

Council President Landolfi reported that no votes were taken in Executive Session.

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

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

OPPOSED: None

SO VOTED

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 HUSBAND TO MOVE NEW BUSINESS ITEM #3 ASHAWAY AMBULANCE ASSOCIATION, INC. MATTER UP ON THE AGENDA TO THE SECTION BEFORE THE CDBG HEARING.

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

OPPOSED: None

SO VOTED

ASHAWAY AMBULANCE ASSOCIATION INC.

This matter had been scheduled to possibly consider and/or vote on whether to include some form of grant funding, provisional or otherwise, to Ashaway Ambulance Association, Inc.

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR HUSBAND TO GIVE ASHAWAY AMBULANCE ASSOCIATION, INC. 80% OF THE TOTAL GRANT FOR THE CURRENT FISCAL YEAR (FY2017/2018), WITH THE REMAINING 20% TO BE PAID UPON SATISFACTION OF THE TOWN'S CONDITIONS #9 AND #10 (ANTI-NEPOTISM POLICY AND BUSINESS PLAN) ON OR BEFORE JUNE 30, 2018. Discussion on the motion:

Councilor Thompson wished to note that the Anti-Nepotism Policy needed to be implemented prior to June 30, 2018. Council President Landolfi asked what she meant by implemented and Councilor Thompson responded that they should have

adopted the policy and be abiding by it and once that was done they should advise the Council accordingly. Discussion ended and the Council proceeded to vote.

IN FAVOR: Buck, Capalbo, Husband, Thompson

OPPOSED: Landolfi

SO VOTED

Council President Landolfi stated that he was opposed because the Ashaway Ambulance Corps has not met all of the conditions previously imposed by the Council.

Councilor Thompson left the meeting.

HEARING

PY2017 CDBG Application

The Council opened the second public hearing on the PY 2017 Community Development Block Grant application.

James Lamphere, the Town Planner was present. He indicated that the first public hearing regarding this matter was held at the Richmond Town Hall on March 8, 2018, in conjunction with multiple Towns including Exeter, West Greenwich, North Kingstown, Charlestown, Richmond, Narragansett and South Kingstown. Mr. Lamphere stated that the application that the Councilors had in front of them was given to the Planning Board last week, who reviewed the activities and determined that none of them were in conflict with the comprehensive plan. The projects that the Councilors had been given needed to be ranked one through four. He stated that he had provided his preference for how he felt they should be ranked as well as his reasons for the same. He went on to explain that activity number one is the Langworthy Field improvements for \$146,138; that is the amount that is needed to match the grant that they have received from DEM so Phase II of the project could be finished. The second activity is a project on Fenner Hill Road for a group home for disabled adults who need to renovate their kitchen and floor to accommodate accessibility in the amount of \$8,409. The third activity is for the Jonnycake Center in Westerly who is looking for \$82,675 in order to make ADA accessibility improvements to their primary entrance. The nonprofits which met at the first public hearing all asked certain Towns to be the

host of their entire request for the year. Hopkinton agreed to accept the W.A.R.M. Shelter and the Jonnycake Center. That is why their dollar amounts are so high this year. In the past they had asked for \$10,000 or \$15,000 from multiple communities. Mr. Russell Partridge was present representing the W.A.R.M. Shelter. Also present was Alice Buckley, the new Executive Director of the Washington County Community Development Corporation who had taken on the responsibilities previously performed by Geoff Marchant and company. The costs for administration of the program will be \$15,000 which will be performed by Washington County Community Development Corporation. The total applications that the Town will be submitting is \$322,222 for there is no maximum cap this year.

Council President Landolfi thanked Mr. Lamphere and indicated that Mr. Lamphere wished the Council to rank the projects and his suggestion for number one was the Langworthy Field improvements. Councilor Capalbo stated that she liked the way Mr. Lamphere had listed the projects with Looking Upwards, the group home for adults on Fenner Hill Road being number two, because this home was in our community. Councilor Husband asked Mr. Lamphere whether Looking Upwards was run by a private organization or State budgeted. Mr. Lamphere explained that Looking Upwards is the nonprofit that manages the group home. He believes they receive State funding as well. Councilor Husband asked whether they received funding from other towns as he believed residents there probably came from other towns and not just Hopkinton. Mr. Lamphere answered that he was not aware of any other money that Looking Upwards was seeking. Regarding the W.A.R.M. Shelter, Councilor Buck asked how many people were being trained there. Russell Partridge answered that the funds they were requesting will fund portions of three salaries, the Community Outreach Case Manager who works with people who are not homeless and helps them with job readiness skills, job placement, resume writing and provides clothing to anybody coming in. The second person is the Job Developer who works directly with people who are in the culinary training program. He estimates that throughout the year they provide assistance for 300 individuals between the two programs. In the culinary program he estimates they assist 75 individuals per

year. They have been operating the culinary program for the last three years with funding through multiple towns, as well as Walmart. He estimates on average since they have begun this program they have had 65 people per year with 80% of those receiving either full or part time employment. Councilor Capalbo stated that she appreciated that they were helping people in the community and not just homeless people.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADOPT THE AUTHORIZING RESOLUTION.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

The Authorizing Resolution follows:

AUTHORIZING RESOLUTION OF THE LOCAL GOVERNING BODY
TOWN OF HOPKINTON, RI

WHEREAS, funds are available under the Rhode Island Community Development Block Grant Program, administered by the Executive Office of Commerce, Office of Housing and Community Development; and,

WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said Department/Office to disburse such funds; and,

WHEREAS, it is in the interest of the citizens of the Town of Hopkinton that application be made to undertake a local Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HOPKINTON:

That the filing of this application for the amount of \$322,222 to implement the activities proposed herein hereby authorized and that Frank Landolfi, Town Council President is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the Town of Hopkinton in all matters relating to this application and any award which may be based upon this application.

CONSENT AGENDA

The Special Town Council Meeting Minutes of April 23, 2018, Joint Town Council-Planning Board Workshop Notes of April 23, 2018 and April 2, 2018 Executive Session Minutes were removed from the Consent Agenda.

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

FOLLOWS: Approve the Town Council Meeting Minutes of April 16, 2018;
Approve the March 19, 2018 Court Transcript as the record pertaining to RI Solar Renewable Energy, LLC & Maxson Hill LLC Zoning Ordinance Amendment and Comprehensive Plan Amendment; Set May 21, 2018 as a hearing date for a Special Event Permit filed by Ashaway Cub Scouts Pack 1.

IN FAVOR: Buck, Capalbo, Husband

ABSTAIN: Landolfi

OPPOSED: None

SO VOTED

Council President Landolfi abstained from voting on the April 16, 2018 Town Council Meeting Minutes as he was not in attendance.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO APPROVE THE SPECIAL TOWN COUNCIL MEETING MINUTES OF APRIL 23, 2018; JOINT TOWN COUNCIL & PLANNING BOARD WORKSHOP NOTES OF APRIL 23, 2018.

IN FAVOR: Landolfi, Buck, Husband

ABSTAIN: Capalbo

OPPOSED: None

SO VOTED

Councilor Capalbo had abstained from voting as she was not in attendance.

PUBLIC FORUM

Eric Perrin, Treasurer of Ashaway Ambulance Corps spoke stating that he was concerned about only being granted 80%. He asked 80% of what? Council President Landolfi stated that it was the current fiscal year's allocation. Mr. Perrin questioned the last quarter of the 2016/2017 fiscal year that the ambulance corps did not receive. Council President Landolfi stated that he did not think that money could ever be administered because that fiscal year had been concluded, but he would check on that. Mr. Perrin believed that they had answered the ten conditions asked of them by the Council and nowhere in the verbiage did it say they had to implement them. Councilor Husband disagreed and said that if an insurance company asked them to do three or four things before they would

receive an insurance policy, they would do those things and it is the same thing with the Council. They asked the Ambulance Corps to complete ten items to their satisfaction, eight of which had been completed and two of which had not been completed to their satisfaction. Mr. Perrin indicated that the anti-nepotism policy had been redone and given to the solicitor. Council President Landolfi indicated that this policy wasn't to their satisfaction. Mr. Perrin asked to whose satisfaction it needed to meet and Councilor Husband indicated the Council's. Mr. Perrin asked what needed to be changed in the anti-nepotism policy in order for it to be satisfactory to the Council. Council President Landolfi indicated that the main intent of this policy should be that no more than two family members are on the Board or are officers at the same time. Councilor Husband indicated that all the Council was hoping to do between now and June 30, 2018, so they don't lose the money, is for the Ambulance Corps to sit down with possibly Councilors Capalbo and Buck again and iron out the differences that the Council has with the anti-nepotism policy and the business plan. Mr. Perrin questioned who writes the business plan. Council President Landolfi indicated that apparently this had been worked out with Councilor Capalbo and Mr. Perrin stated they were working on this but he is worried because he is not a lawyer and they can't afford one. They are in the hole about \$16,000, but in essence it appears as though they are not. Council President Landolfi indicated the money was awarded and he would find out about the prior fiscal year. Mr. Perrin asked where that money was and Council President Landolfi stated that any unused money went into the General Fund. Mr. Perrin stated that they had never been notified that they weren't going to receive these funds; they just didn't get a check. Council President Landolfi stated that they had concerns even back then. Mr. Perrin indicated that to this day they still didn't know what those concerns are or even if there was any validity to them. Town Solicitor McAllister indicated that he wished to explain some historical facts to Mr. Perrin. There was a meeting scheduled as far back as August 2, 2017 with Ashaway Ambulance that was cancelled by Ashaway Ambulance, never to be rescheduled. The reason it was cancelled then was because Ashaway Ambulance decided to exercise its right to hire a lawyer. Mr. Perrin stated that was because Attorney McAllister was representing the Town.

Solicitor McAllister went on to state that the primary spokesperson for Ashaway Ambulance, as he was told by Kelly Fracassa, has been Ron Sposato, and he was informed today that going forward this will be Mr. Perrin. Different messages have been sent to different people on both sides of this issue for months and new people have come in with no understanding of what had gone on before. A number of generalizations that Mr. Perrin has made tonight are factually incorrect. The anti-nepotism policy that was submitted by Ashaway Ambulance in January was rejected right from the beginning. It was only recently revised in that one paragraph was deleted. Council President Landolfi's concern about more than two relatives on boards has not been addressed and that was communicated a long time ago and was one of the original ten conditions. Solicitor McAllister went on to state that he and Council President Landolfi spent hours looking for a business plan that was adaptable to a volunteer fire department or ambulance association which they sent to Attorney Fracassa who sent it to Mr. Sposato and they did the same thing with the anti-nepotism policy. He found one for a volunteer fire department out in the mid-west somewhere and he sent it to Attorney Fracassa who sent it to Mr. Sposato. This was in February or March and it is all documented. As recently as April 24, 2018 he reached out at the Council President's request to Attorney Fracassa and made a couple of suggestions to him which did not happen. Council President Landolfi added that he believed Mr. Perrin was under the impression that everything had been satisfied and he knew this wasn't correct so he reached out to Solicitor McAllister to speak with Attorney Fracassa in order to let Ashaway Ambulance Corps know that all of the requested items had not been satisfied. Mr. Perrin stated that the problem that he has with the anti-nepotism policy is that the policy that they use is from a volunteer EMS in the State of Rhode Island. Councilor Capalbo stated that the two things that needed to be addressed is the official business plan which she believed they could have completed in the next couple of weeks and then the anti-nepotism policy. It is Councilor Capalbo's understanding that the Council wishes to have stated in that policy that no more than two family members can be on the Board; they have already accomplished that by not having them on the chain of command. Mr. Perrin indicated that this would not be an easy thing to do because

they just had an annual meeting and voted and it would be like asking him to step down tomorrow. They just can't tell someone they are off the Board now.

Councilor Husband questioned how many people were on the Board and it was indicated seven. He then asked of the seven Board members how many were related and Mr. Perrin stated four. Councilor Husband explained that those four could gang up on the other three members and that is why this policy should be in place. Councilor Capalbo stated that two of the members would probably need to resign and they should get more objective people on the Board. Mr. Perrin indicated that it was not as simple as that. They just don't have the manpower.

Mr. Perrin questioned why after sending numerous emails he was not being listed on the Council agenda. Council President Landolfi confirmed he sets the agenda and added a majority of Council members could request an agenda item. Council President Landolfi also noted he had informed Mr. Perrin previously how a matter is placed on an agenda, referring to an email he had sent him a few weeks ago. The email had to do with a number of pending issues and with the status of the last legislative grant check. Mr. Perrin reported he had received a replacement check. Mr. Perrin questioned who the two individuals were that made the complaints against Ashaway Ambulance and whether there were any written documents. Solicitor McAllister indicated that there was no meeting, written documentation or vote by the Council as a whole. Mr. Perrin indicated he would like assurances that everyone was held to the same standards.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that on April 23, 2018 there was a Joint Town Council-Planning Board Workshop to discuss a solar ordinance. There was a lot of discussion back and forth concerning this matter. The next steps will be for the Planning Board to have a hearing; revise the ordinance; present their changes to the Council; and, we will try to come to a consensus on some of the modifications that they wish to make to the solar ordinance. It was a very productive workshop.

TOWN MANAGER REPORT

Town Manager William McGarry reported he was still working with the municipal employee labor union representatives to set up dates to begin the first

Collective Bargaining Agreement negotiation sessions for four separate unions that expire on June 30th of this year. He reported that during the last two weeks in April, he drafted requests to solicit proposals for a new DPW pick-up truck, the 3-year DPW uniform rental and cleaning contract and the main portion of the Hopkinton Police Department roof replacement project, all of which are currently funded in the FY 2018-19 annual budget. He reported on April 26, 2018, he met with Planner Jim Lamphere and representatives from Fuss & O’Neill Engineering and Yardworks, Inc. at Langworthy Field to discuss the ongoing grading, design and construction taking place during Phase I of the project; and on April 23, 2018 Planner Jim Lamphere was in receipt of correspondence from Director Janet Coit of RIDEM that the Town has been awarded an Outdoor Recreation Grant in the amount of \$300,000 for improvements to Langworthy Field (Phase II). They are hoping to finish Phases I and II before the end of the year. Special thanks to Jim Lamphere for spearheading this initiative to obtain approximately one million dollars in funding for the entire recreational project. Also, thanks to Recreation Director Mary Sawyer, Senior Planning Clerk Sean Henry and DPW Director Tim Tefft for assisting in the planning and development of this project.

OLD BUSINESS

PETITIONS FOR ZONING ORDINANCE AMENDMENT AND COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

This matter had been scheduled in order to render a decision re: Petition for a Zoning Ordinance Amendment involving a zoning map amendment and a comprehensive plan map amendment filed by Rhode Island Solar Renewable Energy LLC, 43 Creston Way, Warwick, RI 02886 and Maxson Hill LLC, 10 Wicasta Farm Road, Hope Valley, RI 02832 for property owned by Maxson Hill LLC located at 310 Main Street identified as Assessor’s Plat 4 Lot 25 from an RFR-80/Mixed Use Village Zone to Commercial (Special) Zone as a result of the hearing held on March 19, 2018. This matter was continued to May 21, 2018 to allow the Town Council more time to read the March 19, 2018 court transcript that was just received.

NEW BUSINESS

MOTOR VEHICLE PHASE OUT PROGRAM TAX REFUNDS

This matter had been scheduled to discuss, consider and vote to approve 656 remaining tax refunds resulting from the Motor Vehicle Phase-Out Program in the amount of \$21,312.11 to be issued by the Finance Office by June 30, 2018.

Brian Rosso, Finance Director was present and spoke concerning the motor vehicle statute changes that took place commencing year 2018, which increased the exemption and any vehicle 15 years is no longer assessed for motor vehicle tax. The tax roll had to be adjusted and money had to be refunded to taxpayers all of which has been refunded by the State already. Some people had paid their property tax bill before they had time to abate those bills and therefore they need to reimburse those people. They will need to complete all refunds by June 30, 2018. There are 663 taxpayers remaining on the Phase Out of Motor Vehicle Program list that require a refund. Councilor Husband stated that he would bet the State did not refund us for the stamps, checks and manpower to refund these taxpayers. Mr. Rosso stated that there were 144 checks that were less than \$5.00.

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE REMAINING TAX REFUNDS.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

PETITIONS FOR ZONING ORDINANCE AMENDMENT AND COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

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 RI Solar Renewable Energy, LLC & 3 parcel owners: George Townsend, Rose Townsend & Carleen Bowen – Trustee - Plat 11 Lot 57; Stephen M. Delpozso - Plat 15 Lot 11; Paul & Mary Dijulio - Plat 11 Lot 57D. The Council set Monday, June 18, 2018 as the hearing date.

BOARDS & COMMISSIONS:

Tax Board of Review

This matter was scheduled to discuss, consider and vote to reappoint Jeffrey Hall to the Tax Board of Review. Mr. Hall would like to continue to be a member of the Tax Board of Review.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO REAPPOINT JEFFREY HALL TO THE TAX BOARD OF REVIEW.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

Juvenile Hearing Board

This matter was scheduled to discuss, consider and vote to reappoint Jeffrey Hall to the Juvenile Hearing Board. Mr. Hall would like to continue to be a member of the Juvenile Hearing Board.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO REAPPOINT JEFFREY HALL TO THE JUVENILE HEARING BOARD.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

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.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk