

HOPKINTON TOWN COUNCIL MEETING – May 6, 2019
BUSINESS AGENDA

Town Hall, 1 Town House Road, Hopkinton, RI 02833

7:00 P.M. Call to Order – Moment of silent meditation and a salute to the Flag.

2nd CDBG HEARING

Open a second public hearing on the PY 2018 Community Development Block Grant application.

Discussion – ranking of requests.

Decision - Motion to adopt authorizing resolution - see attached.

CONSENT AGENDA

Approve Town Council Meeting Minutes of April 15, 2019; Approve Special Town Council Meeting Minutes of April 22, 2019; Accept the March 25, 2019 Court Transcript & April 22, 2019 Court Transcript as the records of these hearing(s) for the Zone Amendment & Comprehensive Plan Future Land Use Map Amendment filed by Atlantic Solar, LLC involving Gordon Excavating, Inc. and Hopkinton Land 1, LLC; Approve refunds as a result of a taxpayers overpayment of 2018 real estate tax & 2018 motor vehicle tax submitted by the Tax Collector.

MOTION TO APPROVE CONSENT AGENDA

PUBLIC FORUM

COUNCIL PRESIDENT REPORT

- Expression of appreciation to Ben Lafazia and Senator Elaine Morgan re: their Second Amendment efforts

TOWN MANAGER REPORT

- Recreation Department Grants
- Stubtown Road Landfill
- Newly-proposed Town Ordinance

OLD BUSINESS

1. Discuss, consider and possibly vote to grant request of Robert Craven, Esq. to reschedule the May 28, 2019 public hearing date: re: an amendment to the Hopkinton Zoning Ordinance and the Hopkinton Comprehensive Plan Future Land Use Map filed by Atlantic Solar LLC, 260 West Exchange Street, Providence, RI 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, RI, RI 02903, the land owner for property located at 0 Main Street identified as Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 an RFR-80 Zone. This matter was continued from April 15, 2019 to May 28, 2019 as was announced during the advertised and noticed April 15, 2019 Town Council Meeting.
2. On-going financial reporting requirements re: Ashaway Ambulance Corp; update on cost of same from Ashaway Ambulance Treasurer Eric Perrin.

NEW BUSINESS

1. Discuss, consider and possibly vote to award a bid for diesel fuel to Ginger's Service Station of Westerly, RI, the low bidder, for the total fixed added price of \$0.39, per gallon, from July 1st, 2019 through June 30th, 2022.
2. Discuss, consider and possibly vote to award a bid for #2 fuel oil to Ginger's Service Station of Westerly, RI, the low bidder, for the fixed added price of \$.06, per gallon, from July 1st, 2019 through June 30th, 2022.
3. Discuss, consider and possibly vote to award a bid for the purchase of winter sand to Rawson Materials of Putnam, CT, the sole bidder, for a price of \$13.00, per ton (picked up), and \$15.70, per ton (delivered), from July 1st, 2019 through June 30th, 2022.
4. Discuss, consider and possibly vote to award a bid for the purchase of mid-grade gasoline to Petro of Warwick, RI the low bidder, for the total fixed added price of \$0.455, per gallon, from July 1st, 2019 through June 30th, 2022.
5. Discuss, consider and possibly vote to award a bid for the purchase of heating and cooling system maintenance services to Petro of Warwick, RI, the sole qualified bidder, for \$105.00, per hour, on Mondays through Fridays from 8:00 a.m. to 4:00 p.m. and \$125.00, per hour, on Mondays through Fridays from 4:00 p.m. to 8:00 a.m. including Saturdays, Sundays and holidays, and a 10% discount from the parts list from July 1st, 2019 through June 30th, 2022.
6. Discuss, consider and possibly vote to award a bid for the purchase of propane gas heating fuel to Quality Propane of North Stonington, CT, the low bidder, for a total fixed added price of \$0.30, per gallon. This bid also includes burner service in the amount of \$95.00, per hour, Mondays through Fridays from 8:00 a.m. to 4:00 p.m. and \$125.00, per hour from 4:00 p.m. to 8:00 a.m. including Saturdays, Sundays and holidays, less a 15% discount from the parts list from July 1st, 2019 through June 30th, 2022.
7. Discuss and consider setting May 20, 2019 as a hearing date for a proposed new ordinance entitled "Chapter 5.5 - Adoption of the State Property Maintenance Code for the Town of Hopkinton".
8. Discuss, consider and possibly vote to award the sale of three used police vehicles to the highest bidders, as follows:
 - The sale of a 1991 Hummer to Westerly Auto Sales in the amount of \$10,200.
 - The sale of a 1987 Hummer to Paul Buonaiuto in the amount of \$11,000.
 - The sale of a 2006 Nissan Altima to Wyoming Towing in the amount of \$1,000.
9. Discuss, consider and possibly vote to approve Resolution declaring Hopkinton a Second Amendment Sanctuary Town – see attached.

BOARDS & COMMISSIONS

1. Discuss, consider and vote to reappoint Michael Brocato to the Tax Board of Review.

2. Discuss, consider and vote to reappoint Thomas Holberton to the Planning Board.
3. Discuss, consider and possibly vote on the appointment of Steven Wiehl to the Planning Board (Alternate).
4. Discuss, consider and vote to appoint one of three applicants: Michael Warner, Elaine Caldorone, Eric Bibler, to the Wild & Scenic Rivers Stewardship Council as full member.
5. Discuss, consider and vote to appoint one of three applicants: Michael Warner, Elaine Caldorone, Eric Bibler, to the Wild & Scenic Rivers Stewardship Council as alternate member.

PUBLIC FORUM

ADJOURN

If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation by any person, please contact the Town Clerk's Office at 377-7777 (V) or 377-7773 (TDD) at least two (2) business days prior to the meeting.

Posting Details: Town Hall, Police Station, Hopkinton Website, Secretary of State Website.
Posting date: May 2, 2019

1.

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 Department of Administration, Division of Planning, 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 Small Cities Community Development 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 \$ _____ to implement the activities proposed herein hereby authorized and that Frank T. 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.

2.

Hopkinton Town Council Resolution declaring the Town of Hopkinton a "SECOND AMENDMENT SANCTUARY TOWN"

Whereas, the Town of Hopkinton Town Council pursuant to Rhode Island statute and the Town of Hopkinton Charter, is vested with the authority of administering the affairs of the Town of Hopkinton, RI, and

Whereas, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms, and

Whereas, the United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home, and

Whereas, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms", as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and is applicable to the states, and

Whereas, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment, and

Whereas, Article I, Section 22 of the Rhode Island Constitution provides that “The right of the people to keep and bear arms shall not be infringed”, and

Whereas, Article I, Section 6 of the Rhode Island Constitution provides that “The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation and describing as nearly as many as may be, the place to be searched and the person or things to be seized”, and

Whereas, Rhode Island gun sales already require in-state residency, background checks, an eight-day waiting period and a “Blue Card” [RI Department of Environmental Management Pistol/Revolver Certification] for handgun purchases; and prohibits all gun purchases

- on behalf of another person,
- or for anyone under indictment or convicted of a felony or any crime for which the judge could imprison said person for more than one year,
- or for anyone who is a fugitive from justice,
- or for any unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug or any controlled substance regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes,
- or for anyone adjudicated as a mental defective OR has ever been committed to a mental institution,
- or for anyone who has been discharged from the Armed Forces under dishonorable conditions,
- or for anyone who is subject to a court order restraining said person from harassing, stalking, or threatening their child or an intimate partner or child of such partner,
- or for anyone who has been convicted in any court of a misdemeanor crime of domestic violence,
- or for anyone who has renounced their United States citizenship,
- or for anyone who is an alien illegally or unlawfully in the United States, and

Whereas, it is the desire of the Hopkinton Town Council to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Rhode Island Constitution which protect Hopkinton Citizens’ inalienable and individual right to keep and bear arms, and

Whereas, the Hopkinton Town Council Members each took an oath to support and defend the United States Constitution, and the laws of the State of Rhode Island which are not deemed unconstitutional by a court of competent jurisdiction, and the Charter of the Town of Hopkinton.

NOW, THEREFORE, BE IT RESOLVED by the Hopkinton Town Council that the Town of Hopkinton be, and hereby is, declared to be a “Second Amendment Sanctuary Town”.

BE IT FURTHER RESOLVED that the Hopkinton Town Council affirms its support for the Hopkinton Police Department to exercise sound discretion when enforcing laws impacting the rights of citizens under the second amendment.

BE IT FURTHER RESOLVED that the Hopkinton Town Council will not appropriate funds for capital construction of building space or purchase of storage systems to store weapons seized pursuant to the requirements set forth in any legislation if such bill is enacted by the Rhode Island General Assembly and/or for the purpose of enforcing any other law that unconstitutionally infringes upon the right of the People of the Town of Hopkinton to keep and bear arms.