

State of Rhode Island

County of Washington

In Hopkinton on the twenty first day of August 2017 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

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

### **HEARINGS**

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO SIT AS A LICENSING BOARD.

IN FAVOR: Landolfi, Buck, Husband, Thompson

OPPOSED: None

SO VOTED

### **SPECIAL EVENT PERMIT**

The Council opened a hearing on an application for a Special Event Permit filed by Karen Windsor on behalf of Foster Parrots, Ltd. for their Annual Fundraiser, with tour, live music and buffet, scheduled for Saturday, September 16, 2017 from 12:00 PM to 7:00 PM at the Foster Parrots, Ltd. facility located at 87 Woodville Alton Road, Hope Valley, RI 02832.

Karen Windsor & Marc Johnson were present. The application is complete and includes waivers of the police officer requirement and fees were requested. Notice of the event was advertised in the Westerly Sun and notice to abutters has been sent by regular mail. This will be the tenth year of the event which draws a mature audience during the 12:00 PM to 7:00 PM duration of the event; there has not been any issue with the event in the past. Councilor Thompson questioned how many birds they had. Ms. Windsor stated the facility currently houses 380 parrots and a small amount of other exotics. Councilor Husband asked if any alcohol will be served and also if a permit or license was necessary. Mr. Johnson responded there will be complimentary beer and wine only, no sales. The last time a permit

was needed was for a 50/50 raffle that they had one time. Councilor Thompson questioned how many participants did they expect and was told between 250-300 guests; that they would hold an open house from 12:00 PM to 2:00 PM then they would close that portion down out of respect for the birds and proceed with the other planned festivities. Council President Landolfi asked why there were so many animals. Ms. Windsor explained it is not a good idea to get a parrot as a pet; they are a wild animal, are loud and can become aggressive but they should not be kept in captivity, so people who get one for a pet do not keep their birds. She stated pets are a long term commitment; that they get between one and five daily requests for them to take the birds and between 700 and 1000 birds are turned away every year. She stated this is heartbreaking for them and for the birds. Councilor Husband asked if there were other sanctuary sites to take them in. Foster Parrots is the one of few sanctuaries in the US and the only one in the northeast. Foster Parrots has employees and many volunteers who will work the event. Councilor Thompson commented that if you are prone to headaches, you don't want a parrot and Ms. Windsor added that if you want a life, you don't want a parrot because they have needs and with people going out the door to work, the birds are left alone. Chief of Police David Palmer was present and confirmed he had no objection to the event. Tickets for the event are \$65.00. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE SPECIAL EVENT PERMIT FILED BY FOSTER PARROTS, LTD. FOR THEIR ANNUAL FUNDRAISER SCHEDULED FOR SATURDAY, SEPTEMBER 16, 2017 FROM 12:00 PM TO 7:00 PM AT THE FOSTER PARROTS, LTD. FACILITY LOCATED AT 87 WOODVILLE ALTON ROAD, HOPE VALLEY, RI 02832.

IN FAVOR: Landolfi, Buck, Husband, Thompson

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN AS LICENSING BOARD AND

RECONVENE AS COUNCIL.

IN FAVOR: Landolfi, Buck, Husband, Thompson

OPPOSED: None

SO VOTED

**ORDINANCE HEARING RE: TAXES ON RENEWABLE ENERGY**

The Council opened a hearing on a proposed ordinance in amendment of Chapter 19 Taxation of the Hopkinton Code of Ordinances, as amended, entitled: Tax on Renewable Energy introduced & sponsored by Councilor Thompson. Council President Landolfi read the proposed ordinance:

1. In accordance with RIGL sec. 44-5-3[c], the Town of Hopkinton hereby authorizes its assessor to levy a tax on renewable energy tangible property as defined in RIGL sec. 39-26-5 in accordance with the rules and regulations promulgated and executed thereunder by the Rhode Island Officer of Energy Resources.
2. In accordance with RIGL sec. 44-3-21 the Town of Hopkinton hereby exempts from taxation commercial net-metered renewable energy systems whose sole purpose is to offset electricity bills and not to sell power back to the electric distribution system.
3. Property owners installing renewable energy systems are required to provide a copy of the interconnection application between the renewable energy developer and the electric distribution company as well as a copy of any documentation of program enrollment, to the Town of Hopkinton tax assessor indicating if the renewable energy system is net-metered or if the system is selling a portion of all the energy produced back to National Grid under the Renewable Energy Growth Program. Copies of the final interconnection service agreement executed between the renewable energy developer and the electric distribution company shall be provided to the Town of Hopkinton tax assessor and to the Hopkinton building official prior to construction of any renewable energy system.
4. This Ordinance shall take effect immediately upon passage.

Tax Assessor Elizabeth Monty was present.

**Council Discussion:**

Council President Landolfi confirmed that there is enabling legislation and if the Town wishes to enact a tangible tax, an ordinance was required. Ms. Monty responded yes, the enabling legislation at the State level allows the Town to collect tangible tax; something the rest of the State was doing. Council President

Landolfi commented the amount is \$5.00 per megawatt; Ms. Monty stated it was \$5.00 per kilowatt of AC Capacity. Councilor Thompson asked Ms. Monty to explain #2. Ms. Monty explained net metering is when an individual homeowner installs a solar system and that system works only for that property, an example would be a roof installation, to allow the homeowner to save on their own energy bills; it is not to add large volumes of solar panels on a property to sell electricity back to the grid. She added that net metering is more for residential uses, and it takes many years to break-even, but savings can be realized by the taxpayer. She noted someday a business may want to do net metering as well, and in that case the Town would need to see the agreement to determine if they are selling electricity back to the grid or if it is for their own purposes. There would be no taxation if it is for their own purposes

Public Comment:

Robin Noury of 23 Maple Court questioned net metering of roof panels; that the property owner doesn't own the panels, a third party owns the panels and for the privilege of allowing the third party's panels to be installed, the property owners' electric bill would be offset. Ms. Monty indicated that was a possibility; there are many programs out there now, and some of the companies are offering to lease their panels out but it would be the same effect, net metering for that particular house or property owner; the taxpayer that allows that on their property is not making anything back. She noted a larger solar array would mean extra money over time and would incur a tariff. Mrs. Noury noted that unless you had batteries to store it, the electricity was still being sent to the grid. Council President Landolfi and Ms. Monty both indicated that she would be offsetting her own personal electric bill. Mrs. Noury commented that if the homeowner generated more electricity than you can use, you get a check. Council President Landolfi felt that it would be in the form of a credit. Mrs. Noury responded that would be the case with net metering but if you owned your own system, you would get a check. Mrs. Noury asked if that was what the Town would be looking to tax? Council President Landolfi responded no, the ordinance was for commercial applications only. Mrs. Noury was satisfied with this explanation. Councilor Thompson explained that once the ordinance was approved, it will allow the Town to collect

the tangible tax from commercial operations and she further clarified that it exempts individuals who wanted to place something on their roof to offset their personal electric bill. Councilor Husband asked about the wording in #3, whether it should be worded differently. Solicitor McAllister stated this area is governed by State Statutes and the State Regulations promulgated by that State Statute, so the ordinances being adopted across the State are trying to be as consistent with the language of the enabling legislation as possible. Solicitor McAllister noted that from a legal perspective, this territory is largely owned by the State and the Towns can't collect any taxes without passing an ordinance, so many Solicitors believe the closer the language of ordinance is to the State Statute, the better off we will be. Councilor Husband confirmed with the Solicitor that it mirrors the State Statute and the State Regulations. There were no other comments.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO CLOSE THE HEARING AND SET TUESDAY, SEPTEMBER 5, 2017 AS THE DATE TO CONSIDER ADOPTION OF THE ORDINANCE.

IN FAVOR: Landolfi, Buck, Husband, Thompson

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of August 7, 2017; Executive Session Minutes of August 7, 2017; Set November 6, 2017 as the hearing date for renewals of Liquor Licenses and Victualling Licenses; Accept the following monthly financial/activity report: Town Clerk; Approve abatements due to tax value change adjustments and/or corrections to veterans exemptions, tax exempt foundations and motor vehicles submitted by Tax Assessor.

IN FAVOR: Landolfi, Buck, Husband, Thompson

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

No one spoke during the first public forum.

**COUNCIL PRESIDENT REPORT**

Council President Landolfi reported on receipt of FEMA Preliminary Digital Flood Insurance Rate Maps: Community Coordinator Officer Meeting scheduled for September 12, 2017. Digital and hard copies of the maps received in the Town Clerk's Office will be given to the Town Planner as he will be attending the September 12, 2017 meeting.

**PUBLIC FORUM**

Town Clerk Elizabeth Cook-Martin reported her Deputy Town Clerk Marita Breault was present and in attendance at the meeting. She introduced Mrs. Breault to the Town Council.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk