

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of February 2017 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:45 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02832.

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

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A) (1) BOARD/COMMISSION INTERVIEW - LAND TRUST BOARD OF TRUSTEES.

POLL VOTE:

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

Council President reported that the person being discussed has been notified in advance in writing and advised that they have the right to have the discussion held in open session.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO RECONVENE IN OPEN SESSION AND SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

The meeting was called to order with a moment of silent meditation and a salute to the Flag 7:00 P.M.

HEARINGS

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

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

CAMPGROUND LICENSE RENEWAL

Councilor Buck recused himself from the following Ashaway Pines Campground License renewal matter.

The Council opened a hearing on the renewal of the following campground license: Ashaway Pines, LLC - Clint Ramsden, 41 Saw Mill Road, Hope Valley, RI 02832 for the Ashaway Pines RV Resort on Vuono Place licensed for 266 Campsites. There are no Safari Sites. An application was not received until January 25, 2017, after the annual renewal hearing date.

Kelly Fracassa, Esq. was present representing the applicant. All fees had been paid, notice posted and abuttor notices sent by mail. This matter had been continued from January 3, 2017 and at that time abuttors had been present and expressed concerns.

Council President Landolfi reported a number of concerns had been voiced recently by the Panciera Family: such as that Ashaway Pines no longer owned the campground facility. Councilor Capalbo added there was a question about the 260 campsites, questions about four little cabins. Council President Landolfi noted the cabins had been identified as “park model” units. Councilor Husband noted they had been described as four structures on a concrete base. Attorney Fracassa indicated the only trailers he was aware of, were the RV’s. William Corbin, caretaker, explained the structures sit on cement blocks with wheels. With regard to the six additional sites, Attorney Fracassa confirmed there were 260 sites. Council President Landolfi stated there was also a concern as to who would you call if there were issues; the new organization or Mr. Ramsden. Attorney Fracassa, confirmed it would be Mr. Ramsden. Council President Landolfi stated

there had been concern over the demand for water from the campground that was causing the neighboring farm to move their cattle two times per day and whether testing was required. It was not known if the State tested for volume. Councilor Capalbo felt the State was required to test the well, by law, if members of the public used the well water. Councilor Husband asked what the four buildings were for. Mr. Corbin responded they are rented to persons who want to enjoy the campground but did not own an RV. It was not known if they are licensed.

Andrea Panciera, 7 High Street, questioned the four structures described as cottages that were on a cement foundation with wheels, the wheels can't be seen and the Planning Board and Zoning Board both decided no mobile homes were to be allowed; the RV Park was for recreational campers to go in and go out. She pointed out they were not on the initial plans which seems to fly in the face of what the Zoning Board and Planning Board decided. Discussion ended and the Council proceeded with their motion.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO GRANT RENEWAL TO THE ASHAWAY PINES, LLC CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE, WITH THE REQUIREMENT OF A RECEIPT OF A LETTER FROM THE TOWN PLANNER TO CLARIFY THE QUESTION ON THE FOUR CABINS AND TO CLARIFY THE NUMBER OF CAMPSITES – 260 OR 266.

IN FAVOR: Landolfi, Capalbo, Husband

OPPOSED: None

ABSTAIN/RECUSED: Buck

SO VOTED

COMMERCIAL HAULERS LICENSE RENEWAL

The Council opened a hearing on the renewal of the following commercial haulers license: Republic Services, 1080 Airport Rd., Fall River, MA. The applications and filing fees had been received and notice posted. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE RENEWAL OF THE REPUBLIC SERVICES COMMERCIAL HAULERS LICENSE.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

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, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of January 3, 2017, Town Council Meeting Minutes of January 17, 2017 and Executive Session Minutes of January 17, 2017 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 refund due to overpayment at closing submitted by the Tax Collector.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

Corrections were made to the January 3, 2017 minutes: page 6, first paragraph, line 8, change “is” to “his”; page 14, first paragraph, correct the vote relative to Councilor Capalbo. She voted opposed on this vote. Corrections were made to the January 17, 2017 minutes: page 3, second paragraph, line 5, add a comma between “\$40,000.00” and “to”; same page and paragraph, line 11, delete “he” and replace with “Councilor Husband”; page 9, last paragraph, fill in the names of the Councilors who made and seconded the motion.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF JANUARY 3, 2017 AND TOWN COUNCIL MEETING MINUTES OF JANUARY 17, 2017 WITH CHANGES.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

The Executive Session Minutes of January 17, 2017 will be considered on February 21, 2017.

PUBLIC FORUM

Scott Bill Hirst requested the Town Council to adjourn in honor of the New England Patriots recent Superbowl win.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported on a number of events had attended recently: The Trust Annual Dinner held on January 19, 2017 with Town Manager William McGarry and Police Chief David Palmer. The speaker that evening was from Ferguson, MO; A breakfast at Wood River Inn on January 21, 2017 regarding the Federal Railroad Administration (FRA) update on south county towns that was also attended by Senator Elaine Morgan; He attended the Farm/Conservation Meeting held at Town Hall on January 26, 2017 also attended by Councilor Buck. He had attended a meeting with National Grid at the Crandall House on January 27, 2017 for an update on the Substation with Mr. McGarry and Planner James Lamphere; He had a meeting with Mr. McGarry and Finance Director Brian Rosso on January 31, 2017 for a general overview on the upcoming budget which looks good, property values are up. He stated he would be attending an upcoming meeting with Senator Jack Reed on February 10, 2017 with various other south county towns regarding the FRA track relocation for a thirty minute meeting.

Interested individuals are welcome to attend.

OLD BUSINESS:

AGREEMENTS RE: PURCHASE OF 539 STREET & AREA LIGHTING FACILITIES FROM NARRAGANSETT ELECTRIC CO. D/B/A NATIONAL GRID

This matter had been scheduled to discuss, consider and possibly vote to authorize the Town Manager to execute the Agreement of Sale, Bill of Sale and the

Agreement for Customer-Owned Street and Area Lighting documents to allow the Town of Hopkinton to purchase 539 street and area lighting facilities from Narragansett Electric Company, d/b/a National Grid, in the amount of \$81,820.49--\$151.80 per lighting facility (Option #1).

Mr. McGarry noted this project was a State-wide initiative from a few years ago with a lengthy process with hearings before the Public Utilities Commission (PUC). The Partnership for Rhode Island Streetlight Management (PRISM) group had spearheaded the initiative. The Town became interested after receiving the numbers from National Grid and the numbers were good for Hopkinton. The documents had been sent to Tom Gentz and George Woodbury, and Solicitor McAllister had reviewed them as had Finance Director Brian Rosso. The items on the agenda were two parts: first, a straight out purchase in the amount rounded up would be \$82,000.00 and, an agreement between the Town and National Grid; the second part would be the transition to LED Lights, each option has its advantages and disadvantages.

In attendance for these matters were: Thomas Gentz, George Woodbury, PRISM Consultant, Paul Stasiuk, from National Grid, Finance Director Brian Rosso.

A handout was distributed that had a table for the Streetlight Acquisition, a table for LED conversion and a table for Financing. The figures in the Streetlight Acquisition table include the cost of financing and also factors the maintenance contract cost, with annual savings with the maintenance contract projected to be \$20,566.00. The LED Conversion table provided various incentives from what the Town currently had which is not applicable. It provided the incentive for Control Ready LED - \$18,465.00; LED w/Controls 50% Dimmed 1 PM to 5 AM - \$46,632.00 and LED w/Part Night Dimming Photocels - \$46,632.00. The Financing table provided Net Annual Savings: Town Owned Current HPS System - \$11,254.00; Control Ready LED - \$21,908.00; LED w/Intelligent Controls - \$15,732.00 and LED w/Part Night Dimming - \$23,923.00. Councilor Husband identified a calculation error in one of the tables which will need correction.

Mr. Woodbury has been doing this type of work since 1996 with improvements in technology over the course of the past 18-20 years. Rhode Island communities in the works included: Providence, Westerly, Richmond, Charlestown, North Smithfield, West Warwick, Central Falls. Massachusetts communities in the works included: Westwood, Canton, Randolph, Fitchburg, Milton. This initiative has saved the City of Providence \$2 million per year. The types of lights in Town are mercury vapor, and high pressure sodium – no metal halide. LED technology has a ten year life span. There are incentives offered by National Grid for LED lighting. LED lighting can be warm or cool depending on the kelvin temperature; has differing light pattern options, come in a variety of wattages, they are dimmable and can be turned on and off by computer. Another positive was that none of the lights project up so there is no effect on the night sky.

Councilor Buck asked if the Town purchases the arms and controllers and if a pole goes down, how does that work. Mr. Stasiuk explained the Town would be involved, whether the pole came down because of a storm or an accident; if a pole comes down, 24/7, the Town would have to resolve it immediately and the Town must have qualified people to deal with it because safety devices are required, specifically a disconnect fuse. Councilor Capalbo asked Mr. Rosso about buying the light fixtures and about insurance. Mr. Rosso reported he had reached out to The Trust and found that at this point, there would be no additional fees.

Councilor Capalbo noted a qualified high voltage electrician would have to be on-call. She asked about the number of lights and Mr. Stasiuk indicated 539 lights have been reviewed. Councilor Capalbo did not feel that was a true and complete list, Mr. Stasiuk feels that it is. George Woodbury was introduced by Mr. Gentz. Mr. Woodbury is the consulted hired to help and has worked with over 100 municipalities with regard to this initiative; there were 27 communities in RI and 113 communities in MA. Mr. Woodbury noted there was a National Grid tariff for new lights, which had nothing to do with an audit; 539 reasonably reflected a true and complete list, but there could be mistakes. Councilor Husband confirmed with Mr. Gentz that if the Town purchased the units and lights, the Town still must pay for the electricity, so our fee would be a rental fee of the equipment. Mr. Gentz

explained the PRISM organization will take over maintenance and that LED lights save even more as they require less electricity and offer better lighting. Councilor Buck had commented on the double poles. Mr. Gentz referred to a preliminary streetlight report and an audit/audit of double poles. Councilor Capalbo commented that the Town did not have a budget for the project; the initial payment \$81,820.49 is not in our budget presently or our future budget. She is in favor of replacing LED's with something that has a lower kelvin rating. Mr. McGarry explained this was not a budgetary item; the project would not begin until July 1, then the Town could take out a loan; the savings will be so great it will be lower than what is in the budget currently. Councilor Capalbo would like to discuss further during upcoming budget workshops. Mr. McGarry added the debt service will be less than what we have now. The Council went on to discuss this issue at length and had various questions about wattage, depreciation, insurance, costs and implementation schedules. The implementation if it was begun in the near future, could take up to six months.

The Council requested the financial information be presented in a clearer format. This matter, and the following matter, was continued for two weeks to February 21, 2017.

CONVERSION OF 539 STREET & AREA LIGHTING FACILITIES TO LED LIGHTS

This matter had been scheduled to discuss, consider and possibly vote to authorize the conversion of 539 street and area lighting facilities to LED lights, approve financing for the project and select one of the following three LED options: Option #2 (Control Ready LEDs), Option #3 (Intelligent Control LEDs), or Option #4 (Part Night Dimming LEDs), as listed on the Town of Hopkinton—PRISM Streetlight Purchasing Project document - continued to February 21, 2017.

RESULTS OF MEETING WITH RIDOT RE: PROPOSED TRANSIT HUB

Council President Frank Landolfi reported on the results of meeting with RIDOT regarding the proposed Transit HUB that he and Town Manager William McGarry had attended on January 26, 2017 at 11:00AM. A map of the site has finally been provided to them and was on display. He stated there had been

interest from the Town of Richmond to locate the Transit Hub in that community but there had not been a resolution approved there. If Richmond sponsors a resolution, they would again consider Richmond. He stated Director Alviti had taken the fuel component off the table and would be willing to present the facts to residents at a public hearing. There would be local considerations related to tourism and food but it was typical that they would deal with larger organizations. Federal permits cannot be done until a company was chosen to manage the project. The only access to the proposed Transit Hub would be from Route 3/Main Street. It is possible the property could be subdivided; the State would retain the portion they were interested in and the other portion could be divided off for future development. Mr. Ray Quinlan had expressed interest in purchasing the property. Council President Landolfi has not spoken to Mr. Quinlan to determine if this project would affect his purchase. The State would want a view easement in order to be seen from the highway. The Town would receive 1% of the meals and beverage tax. He indicated he was disappointed but noted the State can move forward without any Town permits or permission so the next best thing would be to try to mitigate the impact. He felt the fuel being taken off the table in perpetuity was a positive, plus they would also keep as much of the tree lined portion of the property intact and would work with the Town's Dark Sky Ordinance. He noted that it had been his mistake to authorize a letter of support without knowing the full impact of the project and he apologized to the Council. He was not sure that there was anything that could be done to prevent it and had spoken to Solicitor McAllister about legal aspects but without the fuel component there was little leeway. Mr. McGarry felt he had covered everything. He added that if the DOT bought the entire lot and sold a portion to private businesses, those would be subject to local permitting. Councilor Buck would like the State to follow the sign ordinance. Councilor Husband suggested the State received a luke-warm reception in Richmond and a negative reception in Hopkinton and yet they still want to place it here. Councilor Capalbo was relieved that there would be no fuel over the aquifer and that perhaps getting some of the property back was a win but noted the Town would have to wait and see.

State Representative Brian P. Kennedy was present. He noted in the Spring 2015 when the RIDOT first brought forth the idea, they were looking for letters of support. He declined as they had not brought the idea to the Town Council and it should have been. The RIDOT had not been forthcoming with Hopkinton but were very forthcoming with Richmond with meetings, ideas and plans; there had been no such meeting in Hopkinton. He made a couple of suggestions and encouraged the Council to jointly as a body to send a letter to the Federal Highway Administration withdrawing the original letter of support informing them that there had been a vote by the citizens that voted against the plan two to one. He felt that would go a long way to saying the Transit Hub was not welcome here. He noted Senator Algieri had also sent a letter of support in concept but had since disavowed that letter. He felt the letter should go to the Federal Highway Administration with copies to Senator Reed, Senator Whitehouse, Congressman Langevin, Governor Raimondo and DOT Director Alvit. He stated eminent domain was only to take place in matters of health and safety and that is not the case here; the seller in New Jersey doesn't want to sell to the State and rumor is that Ray Quinlan wants to purchase the property. He added the sole source aquifer provides water to Rhode Island and Southeastern Connecticut. Representative Kennedy reported he spoke with the Governors Legislative liaison and it was her impression that the Town supports the Transit Hub. He will try to meet with the Governor and asked for copies of the letters that had been sent. He mentioned that there is a program called PILOT – Payment In Lieu Of Taxes and seeing how much land the State already owned in the Arcadia management Area it may be time for the Town to request PILOT compensation.

State Senator Elaine Morgan was present and noted Representative Kennedy's points would be a hard act to follow. She noted she was pursuing another avenue. She asked if the TIGER Grant had been received by the State. Representative Kennedy responded it had been awarded, but he did not know if it had been issued and noted additional funding was necessary for the project. Senator Morgan felt the grant had been obtained fraudulently and the grant should be taken back. She agreed that the State could not use eminent domain to take the property.

Donna Hoyle, Brook Drive, noted one of the points in receiving the grant was that there was a 100 mile gap in service plazas, and that was a lie. She asked if the Federal Government checked grant applications for accuracy. She also asked if the aquifer was shared by Southeastern Connecticut, did the TIGER Grant need their approval; she suggested the Town collaborate with them.

Kevin Hoyle, Brook Drive, recommended that if the State says they would place part of the parcel back on the books; that the Town should get that in writing.

Council President Landolfi asked Solicitor McAllister if the Town had input to the RFP would we want that included. Solicitor McAllister recommended a memorandum of understanding in writing to hammer it home. If the State refuses, that speaks for itself. He noted the Town cannot tell the State what to do. The Town needs to keep pushing it to make it as formal as possible. Council President Landolfi asked the Solicitor about a court injunction. Solicitor McAllister indicated he has been involved with preliminary injunctions and restraining orders and stated they were difficult to get as you must convince a Judge on the likelihood of success on the merits of a problem. He noted the Town is a subdivision of the State and to argue that imminent harm would come to the Town would be difficult now that the State has taken the gas pumps away; that could have been our argument, so the danger of imminent harm is removed unless there was another way to prove it. He felt it was highly unlikely we would get an injunction and it is possible the Town could be sanctioned or fined; it was a steep hill to climb and not a realistic option to have the courts involved.

Don Panciera, Collins Road, felt the Town would have good shot at turning the project back for health reasons and mentioned the Silent Springs Study on Cape Cod, where 75% of the public wells were found to be contaminated by drugs and diseases contaminated by septic systems. They will be placing a public septic system over our aquifer with 30-40 toilets and effluent that will filter into the ground over time and an effort should be made to point this out; that antibiotics come out in human waste. He added that no one starts out to build a leaky gas

station. He felt the RIDOT wanted to dominate the conversation and had been disingenuous from the beginning; that it had been sneaked through and had not been a public process. That the additional \$3 million dollars needed for the project should be given back to the taxpayers. He urged the Council to continue to reject the project.

Ray Cox, Main Street, asked about the rotary. Council President Landolfi pointed out it was still shown on the map. Mr. Cox felt there was enough traffic now and the State should use the \$12 million dollars to fix what they've got.

Deborah O'Leary, Pleasant View Drive, noted they have taken the gas off the table and questioned if they had taken the environmental impact study off the table as well. She felt the Council should insist on one. She noted restaurants use a lot of water and create a lot of waste too.

Scott Bill Hirst, Maple Court, asked when the State or Town was going to tell the Federal Government that the Town didn't want it; he asked if RIDOT Director Alviti ever passed it along to the Federal Government that the Town didn't want it. He wanted the Council to consider a motion to send a letter.

John Pennypacker, Lawton Foster Road No., indicated the Federal Government can stop the Grant but the Town cannot be able to stop it. He stated the project will be 6,000 square feet in size. He noted the park and ride is never full and one of the points made in the application was that there was a need for parking. He mentioned there would be ten fueling stations, a bicycle parking area and a children's playground and there was a promise that they would collaborate with the local officials; he asked when and where; that Mr. Buford is on the committee and meetings had been cancelled.

Andrea Panciera, High Street, questioned what was the State's end game; why in Hopkinton, will it be a nice facility, what does the State get; was the number one reason was bathroom use, what sort of revenue would they get – rental revenue,

what kind of service area, would there be wifi, what are the losses for the Town – property tax revenue, sales revenue, does it provide the beginnings for a toll plaza. She felt one should never look at the surface but look underneath and ask questions. Where is the DEM and what is the position of the State Water Resources Board; she felt it was up to the Town to find out what the answers are.

The February 21, 2017 may include authorization to send a letter.

ZONING BOARD OF REVIEW REAPPOINTMENT

This matter had been scheduled to discuss, consider and vote on removing the contingency to the re-appointment of Ronald Sposato as a member of the Zoning Board of Review, that he obtain an advisory opinion from the Ethics Commission. Council President Landolfi reported Mr. Sposato had recused himself from the last Love's Truck Stop meeting so the advisory opinion from the Ethics Commission was unnecessary. He spoke in favor of his reappointment as did Councilor Capalbo, who added it had nothing to do with his reappointment to the Zoning Board. A couple of residents had contacted Councilor Thompson. Council President Landolfi noted Mr. Sposato does speak his mind but felt it was good to have a balance on the board.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO REAPPOINT RONNIE SPOSATO TO THE ZONING BOARD OF REVIEW, REMOVING THE CONTINGENCY THAT HE OBTAIN AN ADVISORY OPINION FROM THE ETHICS COMMISSION.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

SO VOTED

PUBLIC FORUM

Andrea Panciera, 7 High Street, mentioned the water table concerns her family had was with regard to the RV Park's potential impact on the water for neighboring properties. Ken Panciera, 90 Panciera Lane, commented that when he reaches out and expressed how the RV Park has affects him, he hoped that someone else can acknowledge his issues and offer help with a couple of

problems that affect the use of their family farm. He mentioned he can see the RV Campground, it is in plain sight, some protections should be given to the neighbors, this was part of the RV Parks approval, his property has a natural buffer between the RV Park and the farm, for farming purposes. He did not want to remove the buffer. That through the Planning process, the Board took into consideration perhaps the buffering was not put into place. His sister mentioned the issues about the well testing and he asked how he should go forward. Council President Landolfi suggested he send a letter to Mr. Ramsden. Andrea Panciera noted the DOH does perform regular testing, but not drawdown testing; the RV Park as two washing machines; she questioned who determines if the RV Park is doing what they are supposed to. Mr. Panciera mentioned that he had experienced some issues when the campfires were burning with the air quality; smoke is in the air from 4:30 PM to 11:00 PM which affects him physically. Council President Landolfi suggested hiring an air quality professional and to submit the report and then the Town could figure out how to proceed.

Scott Bill Hirst, 20 Maple Court, requested the Council adjourn in memory of Gayle Waite, Winifred Wright - former member of the Board of Canvassers and because February is Black History Month, in recognition of Prudence Crandall, who was born and raised in Hopkinton. The Town Council had adjourned in Mrs. Waite's memory on January 17, 2017.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN IN MEMORY OF LANCE VARS, WINIFRED WRIGHT AND GLORIA RUSSELL; IN HONOR OF PRUDENCE CRANDALL AND IN RECOGNITION OF THE NEW ENGLAND PATRIOTS 5TH SUPERBOWL WIN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk