

State of Rhode Island

County of Washington

In Hopkinton on the fifth day of July 2016 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, Barbara Capalbo, Sylvia Thompson, David Husband; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

Absent: Thomas Buck.

HEARINGS

PROPOSED ORDINANCE RE: PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES)

The Council opened a hearing on an amendment to Code of Ordinances, Chapter 134 “Zoning” to add a proposed new ordinance entitled “PHOTO-VOLTAIC SOLAR ENERGY SYSTEMS (PSES)” introduced and sponsored by Councilor Thompson.

The purpose of this ordinance is to establish a Photovoltaic Solar Energy Systems (PSES) and includes the following sections:

Sec. - Definitions.

Sec. – Photovoltaic Solar Energy Systems Purpose and Applicability.

Sec. – Photovoltaic Solar Energy Systems (PSES) Requirements that include: General Requirements; Roof Mounted Solar Panel Requirements.

Sec. - PSES Design Guidelines that include Land Clearing and Environmental Impact; Appurtenant Structures; Lighting and Signage; Planning Board Review; Operation and Maintenance Plan; Landscape Plan; As-Built Plan; Financial Security.

Sec. - Post PSES Approval Regulations that include: Maintenance; Abandonment; Decommissioning; Removal Requirements.

All other parts of Chapter 134, to remain in full force and effect; and the Amendments shall take effect immediately upon passage.

Councilor Thompson explained that anyone who wanted to install a Photovoltaic Solar System on their roof or next to their house in a residential area was allowed to do so through the Building/Zoning Department. She stated the ordinance that was being addressed tonight was only going to regulate commercial applications, which would be a large facility, selling electricity back to the utility companies. Councilor Thompson stated the intent of the ordinance was to provide standards for the placement, design, construction, monitoring, modification and removal of these systems for public safety. She stated it would also minimize the visual impacts from streets and neighboring properties, which currently the only place these systems were allowed were in commercial and manufacturing zones. Councilor Capalbo stated she was very happy with the ordinance and pointed out under Section D. Applicability, would there be any issues with the time frame going forward. Town Planner James Lamphere explained that any project approved by the Planning Board to date, the standards were already in place and would have to be adhered to, new projects would follow the new ordinance. Council President Landolfi was concerned about exposure to radiation. Mr. Lamphere stated all the panels were enclosed. Council President Landolfi asked what the cost was for a site plan review with the Planning Board. Mr. Lamphere stated there was a flat fee plus ten cents per square foot. Council President Landolfi questioned how the tangible tax would be rated. Councilor Capalbo felt that was up to the Tax Assessor who would follow State Law.

Donna Hoyle of Brook Drive suggested a third category which would be for individuals trying to get off the grid completely for their own use, not to sell back to the electric company. Councilor Thompson stated the ordinance probably should be clarified a bit more. Councilor Husband asked at what point did it become commercial and not personal. Building/Zoning Official Brad Ward stated on page one, under Photovoltaic Solar Energy System (PSES) the last sentence read, "These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on the site." He felt it would be advantageous to include residential because they do sell back to the grid, however, Ms. Hoyle's situation was different. Councilor Thompson stated it

wouldn't hurt to add somewhere in the ordinance that residential was exempt.

Ms. Hoyle asked if the fencing was for the protection of solar panels or for aesthetic value. Councilor Landolfi replied it was for both. Mr. Ward felt that moving forward if someone wanted to legally challenge a resident who wanted to install these panels on their house with our district use table and no exemptions for residential clearly spelled out, they may win because of the way the district use table was being changed. He stated the Town should insure that no one could be harmed with the District Use Table. Attorney Kevin McAllister stated the wording of "the systems main purpose is consumed on site" would cover that scenario. John Pennypacker stated a six foot fence was typically a stockade fence and was very unsightly. He advised against a fence if the sole reason was to deter vandalism. He felt there were other ways to deter vandalism and that should be up to the property owner to secure the property they had just spent a lot of money on and would protect their assets. Councilor Capalbo stated the concern was that the property owners were not in the area. Mr. Pennypacker felt a fence should not be required. Council President Landolfi felt a fence was needed for safety reasons and to protect the project. Councilor Capalbo reminded everyone the project had to go before the Planning Board and they would make sure the project was esthetically acceptable to the neighborhood. Mr. Ward pointed out the solar projects would be constructed in manufacturing and commercial districts and the dimensional regulations state any structure had to be 100 feet away from a residential zoning district. Councilor Thompson felt confident the Planning Board would be particular and specific. She pointed out the members live here and would want the project to look a certain way and would make sure the projects adhered to all standards. Mr. Ward suggested including registered legal non-conforming gravel banks in any zoning district to be eligible by a special use permit to install Solar Farms. He felt the Town could develop language that would give them incentive to use their gravel banks for a solar farm.

Margaret Smith stated when she read the ordinance there were no provisions to deal with a company that walked away from a Solar Panel operation. Council President Landolfi stated the Town would require a Bond.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO CLOSE THE HEARING AND SET A DATE TO CONSIDER ADOPTION OF THE ORDINANCE.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

The Council set July 18, 2016 as the date to render a decision.

PROPOSED ORDINANCE AMENDMENT TO FARM VIABILITY ORDINANCE

The Council opened a hearing on a proposed amendment to Code of Ordinances, Chapter 5.5 Farm Viability Ordinance to include a new Section VII. Farm-Based Photovoltaic Solar Energy System (PSES) introduced and sponsored by Councilor Thompson.

Proposed new section: VII. Farm-Based Photovoltaic Solar Energy System

(PSES):

Intermediate and Large Farms, as defined herein, may install PSES as an accessory use that meet the following requirements:

1. Intermediate Farms may use up to one (1) acre of land for PSES.
2. Large Farms may use up to two (2) acres of land for PSES and may use up to three (3) acres for farms in excess of fifty (50) acres.
3. Intermediate and Large Farms shall adhere to Chapter 246 - Photovoltaic Solar Energy System (PSES) in Chapter 134 of the Code of Ordinances, Town of Hopkinton entitled “Zoning.”

All other parts of Chapter 5.5 to remain in full force and effect; and the Amendments shall take effect immediately upon passage.

Councilor Thompson explained the intent of the amendment to the ordinance was “to encourage farming and agricultural operations within the Town by permitting in addition to the principal agricultural activities, supporting activities which add to the economic viability of the farm.” Councilor Thompson stated the farms had to meet the farm viability ordinance requirements, but this ordinance would act as a guide to allow farms that were a certain size to rent their land for solar panels. She explained if a farm was 50 acres, 3 acres use would be allowed, between 50

acres and 15 acres, 2 acres would be allowed; under 15 acres, 1 acre of use would be allowed. She stated farms were finding it difficult to survive and our Town only had two dairy farms left, adding the Reynolds farm was the last to go out of business. She explained even though the farms were in Farm, Forest and Open Space they still find it difficult to pay their bills and something like a solar facility on their property would help economically. Councilor Capalbo added this was a way for them to supplement their income so the farm remained viable and the ordinance kept the projects within a reasonable size. Councilor Landolfi asked why the large and the intermediate farm had the same acreage. Councilor Thompson explained it was based on revenue, if the farm was 15 acres and the revenue was \$10,000.00 or a farm of 15 acres with a revenue of \$25,000.00, was the difference.

Scott Nolte, of Econox Renewables Group, stated legislation was passed as far as the tax program and it was \$500.00 per megawatt. He noted the systems that were being installed were selling back to the grid and the farmers were getting lease payments for their land to help support the farm, the power was not consumed on site, adding the systems were too big for what the farmer could use. He added the fencing was very important for safety and security so people did not touch the panels. Councilor Capalbo stated one of her concerns was if electricity was being sold, that was not a farm, it was a commercial application selling of wind or solar energy. Councilor Thompson pointed out that under definitions of small, medium, or large farm it was all the same, particularly a small farm and specifically stated the farm had to have IRS form 1040 F. She explained the farm had to earn at least \$2,500.00 gross income on farm products and solar was not a farm product. She stated the farm had to be established and have a State of Rhode Island Tax Identification Number.

Gary Marsh, Kenyon Lane, Ashaway stated he was one of the last farmers in Rhode Island and one of the last two in Hopkinton. He stated that given the choice, he wouldn't put solar panels on his farm, he was forced to. He stated he had to give up an acre of land, of which he had two hundred and fifty acres. He

explained it was more important to farm than look at solar panels. Mr. Marsh explained he was contacted by a company that wanted to lease twenty five acres, and we talked around the kitchen table for quite a while. He compared what twenty five acres of solar panels would bring in for money, and twenty five acres of corn would bring in and it was very close. He stated he would rather farm, it was in his blood, and he would farm until the day he died. Mr. Marsh stated some sort of accessory business was needed to keep the farm running. He explained the disadvantage with his farm was they were located on a back road and was too far off the beaten path to be noticed.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO CLOSE THE HEARING AND SET DATE TO CONSIDER ADOPTION OF THE ORDINANCE.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

The Council set July 18, 2016 as the date to render a decision.

CONSENT AGENDA

The Town Council Meeting Minutes of June 6, 2016 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: Accept the June 6, 2016 Allied Court Reporters transcript as the record pertaining to the Home Loan & Investment Bank Zoning Text Amendment hearing; Executive Session Minutes of June 20, 2016; Town Council Meeting Minutes of June 20, 2016; Accept the June 20, 2016 Allied Court Reporters transcript as the record pertaining to the Home Loan & Investment Bank Zoning Text Amendment hearing; Workshop Notes of May 31, 2016.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

The Town Council Meeting Minutes of June 6, 2016 were corrected as follows:
Page 2, fourth sentence from the bottom, change the word “populous” to “population”; page 10, line 16, rework some sentences to read “Council President Landolfi stated I haven’t put it on for a council vote as he was concerned about jeopardizing the RIDEM Grant and the Categorical Aid Restoration. He would prefer to do so after the State Budget was passed. He did not want people to think the Town Council was in favor of a gasoline station over the aquifer. He stated he will list it on the agenda periodically for updates and eventually for a vote; page 11, first sentence, change “Levera” to “Lovera”.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE JUNE 6, 2016 TOWN COUNCIL MEETING MINUTES AS AMENDED.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

PUBLIC FORUM

Judy Lewis thanked the Town Council for being so diligent in protecting the environment. She requested the Town Council refrain from deciding to issue a permit for Mr. Turrisi until an answer was received from the State of Rhode Island concerning his Earth Removal RIPDES permit. She explained that Don Larsen performed the inspection at 95 High Street for RIPDES. She stated she requested a copy of the report, but it would not be ready until July 6, 2016 and asked if she could submit the report after that date. Councilor Thompson asked for a copy of the report when it was available. Ms. Lewis stated a neighbor had sent her an article from the Westerly Sun that read Town Councilor Thompson had stated only material extracted on the site was to be processed on the property. She asked why they could not be stopped from bringing in material to be processed there, adding the amount of material Mr. Turrisi had brought onto the property to be processed was staggering.

Barbara Rana-Decker, of Ashaway, thanked the Town Council for their time and patience concerning the problem on 95 High Street, which has taken up a lot of the Town Council's time. She stated she read the revamped the Town Home Page and noted the copy of the Earth Removal Ordinance was on the website. She stated she and her neighbors were impressed with the detail of the verbiage within the ordinance. She noted the thoroughness that had gone into definition 102 – C, which read "Removal of Earth, Earth Removal meaning the extraction or removal from a parcel of land of any soil, loam, sand, gravel, stone, clay, shale or other earth material from deposits on any tract of land on which these materials are found." She stated it so represented the situation brought to this Town Council and would like the Town Council to know however, that we are extremely hopeful that an alternative use for that land could be developed. Ms. Rana-Decker stated the neighborhood would really like to see the process stopped that was now going on. She stated Mr. Turrisi could make money on his land with, perhaps a Solar Panel project could be introduced there, but the neighborhood would like to see the operation go away.

Margaret Smith, 12 North Drive, objected to the renewal of Eminel Holdings Earth Removal permit, because she believed there was a non-commercial, viable quality of sand on that property that could be excavated without damaging adjacent property including her own. She explained the walls of the sand pit were currently too steep and considerable erosion could take place which could be sufficient to destroy her property, which included a stone wall, a garage and a back yard which would render her property useless. She stated should any damage occur to her property or her neighbors, there would be no liability other than the sand pit, which was purchased for \$100,000.00 because Eminel Holdings was a LLC and each of the thirteen houses that border the sandpit were worth twice that value. Ms. Smith submitted two items to the Town Council, one was a map submitted to the Town by Arthur DiOrio, Surveyor, as part of Eminel Holdings application process which showed the ground had been graded to reduce the steepness of its walls. She explained the grading of the slope behind her house was 19 degrees and wet sand could slide at 15 degrees, and added that in

some places the grade behind other houses was even steeper. She noted in 1988 the Town entered into an agreement with the previous property owner at that time that further operations behind her property were banned. She stated in 1997, she obtained an aerial photo from the state of Rhode Island that indicated a large body of water in the bottom of the sand pit which had since been filled in. Ms. Smith pointed out that at a Zoning Board of Appeals Hearing in 2015, the depth of the water table was discussed and the expert for Eminel Holdings explained the water table depth in the lowest part of the parcel could not be determined because they immediately ran into shot rock. She stated it was determined digging there would be too difficult and time consuming. She pointed out the Town Council, the only body that could do so, had not set a buffer zone of 200 feet as of yet.

COUNCIL PRESIDENT REPORT

Council President Frank Landolfi gave an update on the Categorical Transportation Funding. He stated he received an email from Barry Ricci, Superintendent, that the Chariho District had most of their transportation money restored, which was about \$365,000.00 and which really belonged to the three towns to begin with. He stated Mr. Ricci had told him that the Town would receive around \$130,000.00. He thanked Barry Ricci and the Rhode Island Department of Education for all their efforts. Council President Landolfi addressed the Low and Moderate Funding situation. He stated Town Manager William McGarry had sent letters to all the Federal Representatives and heard back from two, Congressional Representative Langevin and Senator Whitehouse. He explained they were trying to determine a new survey for a low and moderate income census track, because if a different way could not be found, it could jeopardize CDBG funding after 2014 and going forward. He stated it could be a game changer with how the Town received funding and grants.

TOWN MANAGER REPORT

Town Manager William McGarry reported on June 15, 2016, he attended a meeting, along with Town Council President Frank Landolfi, Jim Lamphere, Sean Henry, Brian Rosso and Geoff Marchant, regarding the State's Office of Housing and Community Development's (OHCD) directive on low-moderate income area funding, which was also scheduled later on the agenda. Mr. McGarry stated the

Town was now working with Geoff Marchant to develop an RFP for a consultant to conduct an income survey of Hope Valley in an attempt to requalify it as a low-moderate area, thus making it eligible for CDBG funding. He stated the Town had also written to the Town's Federal and State Legislative Delegations and asked them to contact HUD and OHCD officials to allow cities and towns to continue to use the 2010 Census Data vs. the alternative method. Mr. McGarry reported that he, President Frank Landolfi and Brian Rosso had attended the June 21, 2016 Richmond Town Council meeting, where they approved our future use of their computer software to remotely and electronically read water meters, splitting the cost of \$1,500 for the annual licensing fee which would result in considerable savings for Hopkinton. He added the project was moving forward with another Waterline Review Committee meeting scheduled for July 6, 2016 at 10:00 AM. Mr. McGarry reported during the last several weeks, he had been working on a daily basis with Paul Stasiuk from National Grid and Michele Cinquegrano from Verizon in an attempt to identify and subsequently reduce the number of double poles in town. He stated last August, the Town had 108 double poles and was currently down to 68 double poles and of those 48 were what was termed pull down poles. He stated everyone was working together and would set a timetable for the timely removal of the poles.

OLD BUSINESS

Councilor Capalbo stepped down and recused herself from the following matter.

TURRISI EARTH REMOVAL REGISTRATION RENEWAL APPLICATION

The matter, the review/approve Turrisi Earth Removal Registration Renewal Application, had been continued from a previous Town Council Meeting held on May 16, 2016. Council President Landolfi did not feel there was anything to prevent the application from being renewed. Attorney Charles Soloveitzik was present to represent the applicant. He stated he wanted to review what was discussed at the last meeting when he was present. He explained he and the solicitor had a tentative agreement to engage in engineering at the gravel bank until the last meeting when the Town Council decided to not make that a condition, so based on that, there was no independent evidence. He stated his client asserted there was mineable material on the property and others in the

industry assert there are mineable materials on the site. Attorney Solovietzik distributed copies of an email from Lisa Diaz Richeson, at DEM which indicated the 2014 letter that was received from DEM as part of the Special Use Permit Application was still in force and no permit was necessary. He stated he understood the neighbor's concerns, but did want to reiterate that most of their concerns were related to land use and this ordinance related to a specific activity which was a component of what was said was his client's right to conduct on the site, not the entire right to conduct on the site. He stated this was an earth removal ordinance which Mrs. Rana-Decker read a very clear quotation of the ordinance as it related to what component his client asserted as his right on his property based on his zoning certificate as a condition of purchasing the property. Attorney Solovietzik stated it was a condition, that, had it not been granted, he would not have purchased the property. He stated we were at a point now that where a seemingly administrative renewal process for registration was a forum for the litigation of every neighbor's grievance real or perceived. He added if the Town Council was not satisfied with the level of evidence as you were last time, he would not object to another continuance on this matter. Councilor Thompson felt the matter should be continued. Attorney Solovietzik stated he wanted the Town Council to be satisfied with all the factors and would speak to his client and get some profession opinions about quantity because that was a question he believed the Town Council would like answered. He stated it was very difficult to separate the renewal process from the zoning issues, and he respectfully requested that the Town Council do just that. Council President Landolfi stated in speaking with legal there was no reason not to renew it. He stated if the mineable material issue could be resolved, the Town Council could put the application process in the past, but obviously they want to have the resources for everyone to be satisfied to vote favorably. He felt the only question some of the Town Council members had was how much time was needed. Attorney Solovietzik stated he would like the issue to be continued to the Town Council Meeting on August 15, 2016. Councilor Husband did not feel he had a problem renewing the request, but did have a problem with renewing a request on a property that did not have any earth to remove. He stated he wanted to make clear

the renewal did not mean he was going to bring material in to be processed.

Attorney Solovietzik stated the renewal was what it was, and bringing material in to be processed was a zoning matter. The Town Council by consensus delayed the issue to the second Town Council Meeting in August.

Councilor Capalbo was reelected.

AMERICANS WITH DISABILITIES ACT COORDINATOR

Town Clerk Elizabeth Cook-Martin had submitted her resignation as Americans with Disabilities Act (ADA) Coordinator.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ACCEPT THE RESIGNATION OF ELIZABETH J. COOK-MARTIN AS AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

Senior Planning Clerk Sean H. Henry had submitted in writing that he would accept the position of Americans with Disabilities Act (ADA) Coordinator. Mr. Henry was present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPOINT SENIOR PLANNING CLERK SEAN H. HENRY AS AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

RIDOT TRANSIT HUB

This matter had been scheduled to allow the Town Council to discuss, consider and vote on whether to support or oppose a resolution for a non-binding ballot question regarding the RIDOT Transit Hub. Attorney McAllister felt if the deadlines of the State could be met, it could be put on the ballot.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO SUPPORT A RESOLUTION FOR A NON-BINDING BALLOT QUESTION REGARDING THE PROPOSED RIDOT TRANSIT HUB.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

Councilor Thompson stated the concerns were about the aquifer and the gas stations that were going to be installed over it. She stated the second problem was two large, prime parcels of properties upon where the Center would be built and would take those property taxes off the roll. She felt if there was more industry built at that location it would bring taxes to the town. She felt the Welcome Center being built over the aquifer was too big of a chance to take and that has been made perfectly clear. Councilor Capalbo felt she would like Governor Ramondo to take a look at what she has proposed, which was jobs for the state. She pointed out the specific piece of property was an economic driver for our area and Mr. Quinlan had purchased properties in that area and had discussed purchasing that property as well. She explained that property meant jobs for the area and a great deal of economic development for the town of Hopkinton and the people of Rhode Island. She stated our Town needed that property for economic development. Councilor Husband commented that was prime property, and was taking money from the Town by raising the taxes. He stated the Welcome Center would most likely not be used much and would eventually become a white elephant and the Town would be stuck with it. Council President Landolfi did not feel it would be a viable tourism project, especially if it was handled like the “Cooler & Warmer” Campaign, it would be a disaster.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO OPPOSE THE RIDOT TRANSIT HUB PROJECT.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband

OPPOSED: None

SO VOTED

WATER METER UPDATE

Mr. McGarry reiterated that he, Finance Director Brian Rosso and Council President Landolfi had gone before the Richmond Town Council and they had given permission for Hopkinton to use their water meter reading software for one half the annual software support fee amounting to \$750.00. He explained this was an annual fee and would be paid from the Town's Water Line Fund. He stated the Town would advertise for the Water Line work.

NEW BUSINESS

DISCUSSION RE: LETTER FROM RI OFFICE OF HOUSING & COMMUNITY DEVELOPMENT

This matter had been scheduled to discuss and consider correspondence from the Rhode Island Office of Housing and Community Development (OHCD), in which they have prohibited the Town from using the 2010 Decennial Census survey data to qualify the village of Hope Valley as a low-moderate income area, pursuant to policy guidance from HUD, Town Planner James Lamphere and Senior Planning Clerk Sean Henry were present.

Mr. Henry explained the memo his office received from the OHCD stated they would only accept the American Community Survey (ACS) five year survey as the low moderate income benefit analysis for the lower income of July 2015. He stated the Decennial 2010 Census was used as instructed in the application, it was approved and awarded on March of 2016. He explained that according to the OHCD, it now was their contention the Town was not allowed to use the prorated 2014 or 2015 funds because ACS data was used which does not qualify Hope Valley. Mr. Henry stated their letter back to them stated that ACS data, which ran from 2006 to 2010, does appear in a number of ways to censor census data and the Town was petitioning to use the census data for the 2014 and 2015 program year. Council President Landolfi asked if the OHCD was older data, but they want us to use it anyway. Mr. Henry replied that was correct. He explained the American Community Survey was taken every year, the data they have out is as recent as 2014 and would eventually eclipse the Decennial in terms of accuracy. Mr. Henry explained the HUD data set which applied to low moderate

algorithms to the census data is only good from 2006 – 2010 so most of that predates the Decennial data, in addition it served a fewer number of people so it was older and less accurate. Councilor Capalbo stated she understood the data that was specifically asked for, was used. Mr. Henry stated the particular issue was in the 2014 – 2015 year, the Decennial data was still allowed as indicated for that program and there hadn't been much clarity from the State. Councilor Thompson felt she was hearing mixed information. She stated one was that the ACS was 2006-2010 data, which was older information, then it was stated it was taken every year. Mr. Henry explained the survey was conducted by the Census Bureau which was separate from HUD, then HUD takes their low and moderate map and applied it to Census Data, but do not update their data set as often as the ACS was taken. Mr. Henry replied it was sent to one in seventeen homes as compared with the ACS, who sent one to every six homes, which was certainly more accurate and reached more people, whereas with the five year survey, the information was averaged over five years. Councilor Thompson stated if there was a project in Hope Valley and CDBG funds were applied for, but it was a small area, very specific, would benefit a small group of eligible people, how would that be proved. Mr. Henry replied as an alternate to the ACS data, the Town was allowed to conduct a survey of that particular area which had to conform with ACS guidelines. He stated the survey area Geoffrey Marchant had drawn up for a possible option was smaller than Hope Valley. Council President Landolfi asked how much the percentage was for the low to moderate income using that survey. Mr. Henry replied it was around 30% to 32% low to moderate income, but that number was way off. Council President Landolfi asked how much the CDBG funds would be affected. Mr. Henry stated he was not sure if it would affect all the CDBG funds. Councilor Capalbo asked if this meant the Town could not use the funds for the Johnny Cake Center or the WARM Shelter. Mr. Lamphere replied the outside centers like the WARM Shelter were not affected. He explained what was in jeopardy was the \$98,000 for Langworthy Field 2014 and the \$115,000.00 in funds received for it in 2015 and the \$181,000.00 for the water line which added up to about \$400,000.00. Councilor Husband asked how much money was spent on research and design for

preliminary work on Langworthy Field. Mr. Lamphere replied he was not sure, the 2014 money had been dipped into. He stated the point was, the Town had followed the instructions with those applications to the letter and based on that, the Town was awarded funds in 2014 and in 2015. He explained in the future, the Town may have to match some grants and do so with CDBG funds. He felt the Town had to have a meeting with HUD officials, show them what was done for all those years and have them explain what was done wrong. He added their guidance also stated the most current low/moderate income data shall be used and the Town used the most current and best data.

PUBLIC FORUM

John Pennypacker offered his help for the Transit Center in any capacity.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Lorraine Tarket-Arruda

Deputy Town Clerk